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ABSTRACT

The booklet presents Louisiana's regulations for implementing state special education legislation. Nine topic areas are addressed: (1) responsibilities of the Board of Elementary and Secondary Education (free appropriate public education, state advisory council); (2) responsibilities of the Superintendent of Public Elementary and Secondary Education and the Department of Education (personnel certification, competency-based assessment program); (3) responsibilities and activities of the Office of Special Educational Services (general supervision, monitoring, complaint management, investigation); (4) responsibilities of city and parish school boards, Special School District #1, and state special schools (child identification, individual evaluation, Individualized Education Program, placement requirements, administrative matters of city/parish systems); (5) procedural safeguards (confidentiality, rights of exceptional children, surrogate parents); (6) establishment and operation of Special School District #1 (jurisdiction, enrollment, financing); (7) responsibilities of state board special school and nonpublic schools administrative organization, enrollment, approved nonpublic schools); (8) interagency agreements (purpose, types, mandatory contents); and (9) definitions (79 terms). Appended materials address State Equalization Fund Minimum Foundation rules and staff ratios. (CL)

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Regulations for Implementation of the Exceptional Children's Act R.S. 17:1941-1958 et seq.

Louisiana's Law for Exceptional Students

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J. Kelly Nix, State Superintendent

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BULLETIN 1706

REGULATIONS FOR IMPLEMENTATION OF THE EXCEPTIONAL CHILDREN'S ACT

(R.S. 17:1941 et seq.)

LOUISIANA'S LAW FOR EXCEPTIONAL STUDENTS

REVISED: JULY 1, 1983

OFFICE OF SPECIAL EDUCATIONAL SERVICES
PATRICK B. COOPER, Ed. D., ASSISTANT SUPERINTENDENT
FOR SPECIAL EDUCATIONAL SERVICES

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PART 100. RESPONSIBILITIES OF THE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

§101. Free Appropriate Public Education

A. The Louisiana State Board of Elementary and Secondary Education (the State Board) shall be responsible for the assurance of a free, appropriate public education to all exceptional children, ages 3 through 21 years, and shall exercise supervision and control of public elementary and secondary education.

B. The State Board shall be directly responsible for the provision of a free, appropriate public education to exceptional children, ages 3 through 21 years, who are within the jurisdiction of Special School District Number 1, or in the State Board Special Schools (Louisiana School for Visually Impaired, Louisiana School for the Deaf, or Louisiana Special Education Center).

§102. Issuance of Regulations

The State Board shall adopt, amend, or repeal rules, regulations, standards, and policies necessary or proper for the provision of a free, appropriate public education developed pursuant to R.S. 17:1944(c).

§103. Compliance with Federal Rules

The State Board has the responsibility of complying with rules and regulations governing grants for educational purposes from the Federal government or from any other person or agency, which are not in contravention to the Constitution and laws, and the authority to take all action necessary to achieve compliance.

§104. Approval of Nonpublic Schools

The State Board shall approve each nonpublic school that provides special education in accordance with minimal standards established by the State Board.

§105. Approval of Public Law 94-142 State Program Plan

The State Board will review and approve the State program plan described in subpart 330 of these Regulations before its submission to the U.S. Department of Education.

§106. Opportunity of Hearing

The State Board shall provide an opportunity for a hearing according to procedures set out in Education Division General Administrative Regulations (EDGAR) at 45 CFR 100b.401d before the Department disapproves any school system application for federal entitlement funds for special education under Public Law 89-313 or P.L. 94-142.

§107-129. Reserved.

§130. State Advisory Council

A. The State Board of Elementary and Secondary Education and the Department shall appoint a State advisory council for the education of exceptional children. The membership shall be 11. Procedures shall follow existing State Board procedures for appointing such councils.

B. Membership of the council shall, at all times, include at least one person representing each of the following groups:

1. Handicapped individuals
2. Teachers of handicapped children
3. Teachers of regular children
4. Parents of exceptional children
5. State and local education officials
6. Special education program administrators
7. Representatives of recipients of special education and related services and their families
8. Representatives of advocate agencies for the handicapped, for colleges and universities, and for vocational/technical schools.

C. The Advisory Council shall perform the following:

1. Advise the State Board of unmet needs in the education of exceptional children, including needs identified through study and analysis of the findings and decisions of the hearings.

2. Comment publicly on the State annual program plan and rules or regulations proposed for issuance by the State regarding the education of exceptional children and the procedures for distribution of funds under P.L. 94-142.

3. Assist the State in developing and reporting such information and evaluations as may assist the U. S. Commissioner of Education in the performance of his responsibilities under section 618 of P.L. 94-142.

D. The Procedures of the Advisory Council

1. The advisory council shall meet as often as necessary to conduct its business.

2. By July 1 of each year, the advisory council shall submit an annual report of council activities and suggestions to the State Board. This report must be made available to the public in a manner consistent with other public reporting requirements under this Part.

3. Official minutes must be kept on all council meetings and shall be made available to the public on request.

4. All advisory council meetings and agenda items must be publicly announced prior to the meeting, and meetings must be open to the public.

5. Interpreting and, other necessary services must be provided at council meetings for council members or participants.

6. The advisory council shall serve without compensation, but the State Department of Education must reimburse the council for reasonable and necessary expenses for attending meetings and performing duties.

§131-199. Reserved.

PART 200. RESPONSIBILITIES OF THE SUPERINTENDENT OF PUBLIC SECONDARY EDUCATION AND THE DEPARTMENT OF EDUCATION

§201. General Responsibilities and Authorities

The State Superintendent of Public Elementary and Secondary Education (the Superintendent) and the State Department of Education (the Department) shall administer those programs and policies necessary to implement R.S. 17:1941 et seq. Responsibilities of the State Superintendent and the Department include the following:

A. Approving, in accordance with minimal standards approved by the State Board, each public school program that delivers special education.

B. Recommending to the State Board approval, in accordance with minimal standards approved by the State Board, of each nonpublic school program that delivers special education.

C. Receiving, administering, and directing distribution of Federal funds for education of exceptional children, except those received directly by school systems.

§202-204. Reserved.

§205. Preparation of Annual Budget

The Department shall prepare and submit to the State Board for review and approval a comprehensive budget for the next fiscal year that at a minimum proposes the appropriations by the Louisiana Legislature of whatever State funds are needed by the Department, Special School District Number 1, and city/parish school systems to comply fully with all of the requirements established by the Regulations for the Implementation of the Exceptional Children's Act (with due regard to Federal maintenance of effort, nonsupplanting, comparability, and excess cost requirements).

§206-219. Reserved.

§220. Certification of Personnel

The Department must develop, as needed, Louisiana standards for State certification of school personnel, subject to approval by the State Board, for all public school staff and all approved nonpublic school program staff who provide special education and related services to exceptional children within the State, including supervisor of special education, special school principal, child search coordinator, educational consultant, special education teacher, assessment teacher, adapted physical education teacher, paraprofessional, school psychologist, school social worker, speech therapist, physical therapist, music therapist, dance therapist, art therapist, recreation therapist, and occupational therapist.

§221-229. Reserved.

§230. Review of Enforcement Recommendations

The State Superintendent, after review of the recommendations from the Office, submits to the State Board at the next regularly scheduled meeting all recommendations of the Department to withhold State or Federal funds for special education or to take other necessary enforcement action.

§231-239. Reserved.

§240. Hearing Officers

The Department shall maintain for each State planning region a list of at least three hearing officers who have successfully completed an inservice training program approved by the Department.

§241-249. Reserved.

§250. Evaluation of IEP Effectiveness

The Department must ensure that school systems provide sufficient information to permit the Department to identify the effectiveness of the various combinations of instructional objectives, curricula, instructional settings, and teaching approaches employed pursuant to Individualized Education Programs (IEPs).

§251. Relationship Between Special Education and Competency-Based Education

No provision of the Louisiana competency-based education program shall be construed to interfere with the provision of a free appropriate public education to exceptional children under these Regulations (R.S. 17:24.4(D)).

§252. Competency-Based Assessment Program

A. No exceptional student shall be automatically excluded from participation in any educational assessment program. Individual exemption from any such assessment program requires formal parental approval and will be reflected in the student's IEP.

B. Individual exemption from any such assessment program will be appropriate for exceptional students who are not following a curriculum based on Louisiana's minimum standards for reading, writing, and mathematics and who are not pursuing a regular high school diploma.

C. Exceptional students who take part in the testing program shall have available to them certain procedural modifications in the administration of the tests when appropriate.

§253-259. Reserved.

§260. Full Educational Opportunity

The Department must ensure that all public education programs of the State strive to meet the goal of providing full service to all exceptional children, aged birth through 21 years, no later than September 1, 1985.

§261. Arts for the Handicapped

The Department shall encourage the use of the arts as a teaching tool and the recognition of the importance of artistic and cultural activities in the education of handicapped children.

§262-269. Reserved.

§270. Interagency Agreements

The Department is authorized to enter into any agreement developed with another public or private agency, or agencies, which is

A. Consistent with Part 800 of these Regulations.

B. Essential to the achievement of full compliance with these Regulations.

C. Designed to achieve or accelerate the achievement of the full educational goal for all exceptional children.

D. Necessary to provide maximal benefits in service, quality, and cost to meet the full educational opportunity goal in the State.

§271. Approval of Out-of-District Placement

The Department, through Special School District Number 1, shall approve or disapprove each request made by a school system to place an exceptional child outside the geographic boundaries of that school system.

§272-274. Reserved.

§275. Fiscal Agent

The Department shall act as the fiscal agent in disbursing funds under P.L. 89-313, including transfers of such funds to city/parish school systems from State operated programs and State supported programs.

§276-289. Reserved.

§290. Nondiscrimination

The State Department shall comply with the following statutes and regulations:

SUBJECT	STATUTE	REGULATION
Discrimination on basis of race, color, or national origin	Title VI of the Civil Rights Act of 1964 (45 U.S.C. 2000d through 2000d-4)	45 CFR Part 80
Discrimination on basis of sex	Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683).	45 CFR Part 86
Discrimination on basis of handicap	Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 974). Act 665 of the 1980 La. Legislature (RS 46:2251-2256).	45 CFR Part 84
Discrimination on basis of age	The Age Discrimination Act (42 U.S.C. 6101 et seq.).	45 CFR Part 90

§291-299. Reserved.

PART 300. RESPONSIBILITIES AND ACTIVITIES OF THE OFFICE OF SPECIAL EDUCATIONAL SERVICES

§301. General Supervision

The Office of Special Educational Services is established within the Department to provide general supervision of all education programs for exceptional children within the State, including all approved nonpublic school programs and all education programs administered by other State or local agencies. "General Supervision" is defined as the responsibility to perform the following:

A. Ensure that all necessary state standards for implementation of the Act are established.

COMMENT:

Any State standard affecting other State agencies and established under the general supervision requirement shall be developed in cooperation with such agencies.

B. Disseminate such standards and revisions to all public and nonpublic agencies bound by them and provide parents and all citizens with information requested regarding implementation of such State standards.

C. Provide technical assistance to all public and nonpublic agencies bound by such standards in their proper implementation.

D. Monitor according to written procedures the implementation of State standards in each public and nonpublic agency at least once every three years. Such monitoring shall be programmatic, administrative, and fiscal, and shall include:

1. Collection of data and reports, including the annual school reports,

2. Conduction of on-site visits,

3. Review of the use of federal funds,

4. Review of individualized education programs (IEPs),

5. Review of procedures for ensuring least restrictive environment (LRE) and procedural safeguards,

6. The issuance of a formal compliance document that specifies, when necessary, corrective actions which

must be taken and time lines for implementation; in the event corrective actions are required, the document shall be a section of the LEA Application for P.L. 94-142 funds until such corrections are fully implemented.

E. Institute a system for complaint management and investigation regarding the implementation of State standards.

§302. Monitoring, Complaint Management, and Investigation

A. The Office is authorized to take actions for implementing the monitoring, complaint management, and investigative provisions of these Regulations, including the following:

1. Specify all data to be maintained by public and nonpublic agencies and specify uniform accounting and reporting procedures to be followed.

2. Investigate allegations of failure to comply with any provision of these Regulations and all other applicable State or Federal laws, rights, and/or regulations, or State standards.

3. Conduct hearings when necessary.

4. Issue subpoenas (on behalf of the Department) to require attendance, testimony by witnesses, and the production of documentary evidence.

5. Take action as may be necessary to correct noncompliance, such as:

a. Providing technical assistance,

b. Entering into negotiation,

c. Attempting conciliation,

d. Recommending that funds for special education and related services be withheld, and

e. Taking other remedial action.

B. The Office must conduct, during each year, a comprehensive administrative review for compliance with these Regulations of no fewer than one-third of the school systems and one-third of approved nonpublic school programs and other affected agencies. Each school system and approved nonpublic school program

shall be comprehensively reviewed at least once during any three-year period.

COMMENT:

To the maximal extent practical, the Office shall accomplish this monitoring through the Department's compliance and accreditation program.

C. In carrying out its investigative responsibilities for monitoring and complaint, the Office must, to the fullest extent practicable, seek the cooperation of each agency or organization involved and provide assistance and guidance upon request to help each agency or organization achieve compliance.

D. The Office shall require that school systems, approved nonpublic school programs, and other affected agencies keep such records and submit to the Office complete and accurate compliance reports at such times and in such form and containing such information as is determined to be necessary to enable the Office to ascertain compliance with the requirements of these Regulations with due consideration to the difficulties of collecting information from individual files and records and the need for advance notice.

§303-328. Reserved.

§329. State Program Plan under P.L. 94-142

The Office shall prepare for submission to the State Board the State program plan required under P.L. 94-142 according to applicable Federal requirements for such plans.

§330. State Program Plan: Public Notice and Participation

A. In the preparation of the State program plan required under P.L. 94-142, the Office must perform the following:

1. Publish in newspapers of general circulation throughout the State or other media or both a summary of the proposed program plan indicating its purpose and scope, its public availability, the timetable for final approval, the procedures for submitting written comments, any policy changes from previous plans, and a list of the times and places of public meetings to be held. Such notice

shall occur between 45 and 60 calendar days prior to submission of the program plan to the State Board.

2. Distribute to any parent organization, child and youth advocacy organization, school board, approved nonpublic school program, public college or university, or affected state agency, operating in Louisiana, which has previously registered with the Office, a copy of the proposed program plan and a list of the times and places of public meetings to be held. This distribution must occur no less than 30 calendar days prior to submission of the proposed program plan to the State Board.

3. Publish on each of the three days preceding a public meeting a description of the time, place, and purpose of the meeting in newspaper(s) of general circulation in the area of the State in which the meeting will be held.

4. Hold a series of open public meetings in which parents and other interested persons throughout the State are afforded a reasonable opportunity to comment on the proposed program plan.

5. File in a publicly available location a written or electronic verbatim record of the public meetings and any written comments received.

6. Review and consider all public comments which might warrant modification of the program plan.

7. Attach a summary of the comments made during the public meeting or received by the State Board to the proposed final program plan submitted to the State Board.

8. Publicize the approval by the State Board of a final program plan and the location at which copies of the plan can be obtained by the public.

9. Publicize the approval or disapproval by the U. S. Department of Education of the annual program plan and the location at which copies of the program plan can be obtained by the public.

B. The Office must make all reasonable efforts to inform potentially interested parent and child advocacy organizations throughout the State, and all school boards, approved nonpublic school programs, public colleges and universities, and affected State agencies of the requirements of this subpart and of §488.

C. The Office shall maintain a list of each interested group identified as a result of B above.

§331-339. Reserved.

§340. Review and Approval of Annual Applications of School Systems

A. The Office must review each annual application for P.L. 94-142 funds submitted by a school system, and

1. Provide written notice of whether an application is or is not in substantially approvable form (and if not, the reasons therefor) by July 1 of each year.

2. Provide formal written approval (or disapproval) within 10 operational days following receipt by the Department of an approved grant award document for expenditure of P.L. 94-142 funds from the U. S. Department of Education.

B. Applications for Federal and/or State funds in periods during which they may be applied for shall be approved or disapproved by the Office according to applicable Federal or State procedures.

§341-354. Reserved.

§355. Confidentiality of Records

The Office must comply with all of the requirements of §506 pertaining to confidentiality of personally identifiable education records.

§356. Notification of Child Identification Effort

Notice of the child identification effort regularly undertaken by the Department and school systems must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State.

§357-369. Reserved.

§370. Comprehensive Personnel Development and Manpower Training

In the planning and implementation of the comprehensive system of personnel development and manpower training required by the EHA, and R.S. 17:1953, the Office will perform the following:

A. Conduct an annual needs assessment to determine if a sufficient number of qualified special education instructional, related service, and support personnel are available in the State to provide the special education and related services required to assure a free appropriate public education for all exceptional children ages 3 through 21 years.

B. Identify, on the basis of the annual needs assessment, target populations for personnel development and manpower training and describe procedures to ensure that activities to carry out the personnel development and manpower training plans are scheduled.

C. Seek the involvement of public and private institutions of higher education and other interested agencies and organizations in the development of any policies concerning certification requirements affecting special education; in the review of annual personnel development and comprehensive manpower training plans; in the development of inservice training programs; and in all other appropriate activities.

D. Establish, with the approval of the State Board, a statewide system for dissemination of information on effective special educational practices and procedures for replication of such practices.

§371. Preservice Training Agreements

The Office shall develop in concert with colleges and universities within the State whatever preservice training arrangements are necessary to permit all school systems and approved nonpublic school programs to comply with the requirements of these Regulations and to achieve the full educational opportunity goal.

§372. Training of Personnel for Initial Screening

The Office for the Department shall provide the inservice training of personnel of approved nonpublic schools for initial screening as mandated in §452 of these Regulations.

§373. Administration of Funds

The Office shall ensure the proper receipt and disbursement of all State and Federal funds administered by the Department specifically for the provision of special education and related services for exceptional children.

§374. Nonbias of Testing and Evaluation Materials

The Office, on the behalf of the Department, shall, with the approval of the State Board, establish procedures to ensure that testing and evaluation materials used for evaluation and placement are free of racial, cultural, and/or sexual bias.

§375-399. Reserved.

PART 400. RESPONSIBILITIES OF CITY AND PARISH SCHOOL BOARDS, SPECIAL SCHOOL DISTRICT NUMBER 1, AND STATE BOARD SPECIAL SCHOOLS

§401. Responsibilities of Public School Systems

A. Each school system shall identify, locate, and evaluate each suspected handicapped child, birth through 21 years of age, and each suspected gifted or talented child 3 through 21 years of age residing within its jurisdiction.

B. Each school system is responsible for providing, or causing to be provided, a free, appropriate public education to each eligible exceptional child who resides within its jurisdiction and is not voluntarily enrolled in an approved nonpublic school program.

COMMENT:

§401.B does not include as eligible those exceptional children who are enrolled in unapproved nonpublic schools.

§402. Definitions

A. Free Appropriate Public Education (FAPE)

1. "Appropriate public education" means all special education and related services provided each exceptional child which--

   a. meet State Board standards, including these Regulations and all applicable bulletins approved by the State Board (i.e., Bulletin 741, Bulletin 746, Bulletin 1508).

   b. are provided in conformity with an IEP at public expense, under public supervision and direction, and without charge, including preschool, elementary school, or secondary school education.

2. The term "free" means without charge, including the following:

   a. costs for all room, board, and non-medical care provided when residential educational placement is necessary.

   b. costs for an independent (not necessarily private) individual evaluation provided when a

parent disagrees with an individual evaluation conducted by the school system and the school system either fails to initiate a hearing or fails to prevail in a hearing to show that its evaluation is appropriate, or when an independent educational evaluation is requested by a hearing officer, the Department's Special Education Review Panel, or a court of competent jurisdiction.

c. transportation costs provided in order to assure access of persons to services necessary to implement a child's IEP. Exceptional children shall be provided, on a comparable basis with that of children who are nonexceptional, an opportunity to receive transportation services funded out of State or local resources.

d. The term "free" does not preclude incidental fees normally charged to nonhandicapped children or their parent(s)/guardian(s) as a part of the regular educational program.

3. Nothing in these Regulations shall relieve in any way, an insurer, similar third party, or other public State or local agency from an otherwise valid obligation to provide or to pay for services to which an exceptional child is entitled as a client or beneficiary of such third party under State or Federal entitlement or laws or under policies or contracts. This does not prohibit the use of insurance payments or private donations for use in the provision of a free, appropriate public education.

4. Whatever State, local, Federal, and private sources of support are available may be used to provide a free, appropriate public education, including joint agreements between agencies for sharing the costs of those services.

B. Jurisdiction is the right of a school system to exercise authority over all children residing within its geographic area and over each child placed by the school system in an educational program within the geographic area of another school system or in an approved educational program out of the State.

1. For city/parish school systems, the geographic area is the boundary of the school board as defined in the Louisiana Revised Statutes.

2. For SSD #1, the geographic area is the boundary of the State-operated treatment and care residential facilities.

3. For a State Board Special School, the geographic area is the boundary of the educational facility.

COMMENT:

1. If there is a transfer of jurisdiction from one system to another for the provision of a free, appropriate public education initiated by a school system, this is indicated by using the word "referral." According to these Regulations, such a referral culminates in the establishment of responsibility for FAPE for the child by the receiving school system. All transfers of jurisdiction are considered significant changes in placement.

2. If there is a placement of a child in another school system or an approved nonpublic school, the child so placed remains within the jurisdiction of the placing school system. The responsibility for FAPE remains with the placing school system and, in the case of placement in an approved nonpublic facility, also with the State Board.

C. Eligible Children

1. An eligible child is a child who has been determined to be exceptional and whose third birthday has occurred but whose twenty-second birthday has not occurred, unless such child was terminated to participate in elementary or secondary education as indicated by a State diploma or certificate.

2. An exceptional child whose third birthday occurs after the beginning of a regular school year but before January 1, or whose twenty-second birthday occurs during the course of the regular school year (as defined by the school system), shall be regarded as eligible for the entire school year.

§403. Reserved.

§404. <u>Day Care and Adult Services</u>

A. School systems which operate a day care program or activity for nonhandicapped children may not exclude any handicapped person and must take into account the need(s) of these persons in determining services to be provided.

B. School systems which operate an adult education program or activity for nonhandicapped adults may not exclude handicapped or other exceptional persons and must take

into account the need(s) of these persons in determining services to be provided.

§405. Special Education and Related Services for Handicapped Children Less Than 3 Years of Age

School systems may provide special education services for preschool children who are from birth to 3 years of age and have serious handicapping conditions which, without intervention, will become progressively more difficult for intervention by school age. The ratios established in Appendix I, Part B for preschool shall be used for handicapped infant programs.

§406 - 409. Reserved.

CHILD SEARCH

§410. Child Search Definitions

A. Identified: Identified means a child is suspected of being exceptional and in need of special education and related services as a result of--

1. Child search activities as defined in §411.

2. School building level identification activities as defined in §413.

B. Locate: Locate means determining where an identified child is residing and whether the person with whom the child is residing is one of the following:

1. A natural parent,

2. The legal guardian of the child, or

3. A parent as defined in §900.

COMMENT:

If neither a natural parent nor a legal guardian is located, the school system shall refer to §507.

§411. Child Search Activities

A. Each school system, in accordance with the requirements of this subpart, shall document that at least an annual formal effort and on-going identification activities are conducted to identify and locate each child who is under its jurisdiction, suspected of being exceptional, in need of special education and related services, and is one of the following:

1. Enrolled in a regular education program operated by the school system

2. Enrolled in an educational program operated by a school system

3. Enrolled in a nonpublic school program

4. Enrolled in a public or nonpublic preschool or day care program

5. Is out of school, except for children who have graduated or otherwise successfully completed a program as documented by a State diploma or certificate

B. If, in the process of implementing these Regulations, any school system locates a child who is suspected of being in need of treatment, care, or habilitation and rehabilitation, the school system should request that the agency designated by the State to provide such assistance explore this suspected need with the parents.

§412. Responsibilities of the Child Search Coordinator

Each school system shall designate a child search coordinator who shall be responsible for:

1. Tracking the progress of referral and evaluation activities required by §411, §413-414, and §430-436 for each child suspected of being exceptional.

2. Ensuring that the parent of each child initially identified as suspected of being exceptional and in need of special educational services is provided a copy of the State developed booklet on rights of parents and children at the time of referral for an individual evaluation.

CHILD IDENTIFICATION

§413. Children in A Regular Education Program

A. Each school system shall only identify each child enrolled in the regular education program suspected of being exceptional by conducting and documenting results of the following activities:

1. A classroom-based screening which includes a screening of sensory functioning and a review of the child's educational and general health history conducted by school personnel; and a review of the child's academic and social performance, language and communication skills, performance on applicable statewide assessment and basic skills tests, and motor proficiency conducted by the child's teacher(s).

2. At least one regular education intervention or adjustment appropriate to the child's age and learning or behavior problems, except for children with speech problems only, those suspected of being gifted or talented, or those described in §413.C. Interventions or adjustments include available remedial or compensatory education/ retention; curricular changes; instructional method changes; behavior management programs; or school, teacher, or schedule changes.

3. A teacher/parent conference concerning the student's specific problems or exceptional skills.

4. A review with the child's teacher by a committee of at least two school staff members (such as the principal, teacher, counselor, pupil appraisal personnel, or other professional staff) of the initial screening information and the intervention efforts. The committee shall also recommend or provide assistance to the child's teacher(s) for regular education interventions or adjustments.

B. The committee referral for an individual evaluation shall be made through the principal to the pupil appraisal services and shall include documentation of the activities described in §413.A.

C. An immediate referral may be made to pupil appraisal services for an individual evaluation of any child who is suspected of a severe or low-incidence impairment, or who is of danger to himself or others, concurrent with the conduct of the initial screening activities described in §413.A. (1-3).

D. Requests for pupil appraisal support services for any child who is experiencing learning or adjustment difficulties and is not suspected of being exceptional may be made at any time.

E. Notification of each referral shall be provided to the school system child search coordinator.

§414. Children in Approved Nonpublic School Programs

Children enrolled in approved nonpublic school programs shall be identified according to the procedures noted in §413.A. (1-4) and shall be referred to the school system's child search coordinator.

§415. Children Out of School

Children out of school, including children ages birth through 5 years, children in unapproved nonpublic school programs, and children who have left school without completing their public education by obtaining a State diploma or certificate shall be referred to the school system's child search coordinator, who shall locate and offer enrollment in the regular public school program (when appropriate) or refer them for an individual evaluation.

§416. Exceptional Children Transferring from Other Systems and Children with a Documented Severe, Low-Incidence Handicapping Condition

Children who have been receiving special education in another state or school system within the State and children who possess a severe, low-incidence impairment documented by a qualified professional may be initially enrolled in a special education program concurrent with the conduct with the remainder of the evaluation according to the requirements of Bulletin 1508. This enrollment shall occur only after:

1. approval by the city/parish school system's supervisor of special education,

2. a review of all evaluation information by pupil appraisal personnel,

3. the development of an interim IEP in accordance with §440-446, and

4. obtaining formal parental approval for the temporary placement.

The duration of the completion of the evaluation and the interim placement shall not exceed the evaluation timelines specified in §436, with the initial IEP/Placement document developed within 30 calendar days from the date of dissemination of the written evaluation report to the city/parish school system's supervisor of special education.

§417. Formal Parental Approval

A. Initial Evaluation

In each instance of an initial evaluation all reasonable efforts must be made by the school system to obtain formal parental approval. If the parent denies or fails to give formal approval for the individual evaluation, the school system may seek appropriate legal action under Louisiana law.

B. Re-evaluation

Formal parental approval is not required for the re-evaluation of a child currently enrolled in a special education program, but full and effective notice must be provided to the parents prior to the re-evaluation.

§418-429. Reserved.

INDIVIDUAL EVALUATION

§430. Pupil Appraisal Personnel

School systems shall regularly employ pupil appraisal personnel to conduct individual evaluations and may, when necessary:

A. Use qualified examiners who are available from the Department of Health and Human Resources, the Department of Corrections, the State Board Special Schools, or other public agencies.

B. Contract with individuals or organizations to provide specialized assessments needed to provide a comprehensive individual evaluation of an identified child.

C. Use a combination of the approaches listed above.

D. Regardless of the approach used for conducting individual evaluations, school systems retain full responsibility. Any failure by an employee or contractor to meet any requirements of this Part constitutes a failure by the school system to comply with these Regulations.

§431. Required Individual Evaluation

A. An individual evaluation shall be initiated whenever the child is not enrolled in special education and one of the following conditions exists:

1. A written request from a parent has been received and the school system, following a review by the School Building Level Committee for enrolled students, agrees with the request.

2. Formal parental approval for the individual evaluation has been requested by the school system, granted by the parents, and received.

3. A final written decision has been issued by a hearing officer, the Department's Special Education Review Panel, or a court of competent jurisdiction requiring that an individual evaluation be conducted.

4. A written request has been issued by a hearing officer or the Department's Special Education Review Panel.

B. An individual re-evaluation shall be initiated whenever the child is enrolled in special education, and:

1. It is requested in writing by the parent of the child.

2. It is requested in writing by the child's teacher or by the parish supervisor.

3. A significant change in educational placement of a child is proposed by either the school system or the parent or both.

4. The third anniversary of the last individual evaluation is reached.

5. A final written decision has been issued by a hearing officer, the Department's Special Education Review Panel or a court of jurisdiction requiring that an individual re-evaluation be conducted.

C. A school system is not required to conduct an individual evaluation of an exceptional child who has transferred under its jurisdiction from another jurisdiction if that child received an evaluation during the past three years which met all requirements of Bulletin 1508.

D. In the event a parent has privately obtained an individual evaluation, the school system must consider the individual evaluation in accordance with §504.C. Timelines established according to §410-436 shall be followed.

§432. Individual Evaluation Objectives

The objectives of an individual evaluation are to--

A. Determine whether a child possesses an impairment or condition which would enable the child to be classified as exceptional.

B. Determine the nature and extent of such impairment and condition.

C. Determine the effect of the impairment on the educational performance of the child.

D. Determine the need for special education and related services.

E. Recommend types of instruction and related services to meet the assessed needs of the child.

§433. Evaluation Coordination

A. Upon receipt by pupil appraisal services of a request for an individual evaluation, a pupil appraisal staff member qualified to serve as an evaluation coordinator according to Bulletin 1508 shall be designated to coordinate the child's individual evaluation activities. The selection of the evaluation coordinator shall be based upon the identified child's specific educational problems determined during the child identification activities.

B. Within 10 operational days of receipt of the referral by pupil appraisal services for an individual evaluation of an identified child, the evaluation coordinator shall ensure that:

1. An interview with the teacher(s) of enrolled students is conducted for the purpose of pinpointing the specific referral concerns and developing the initial evaluation questions.

2. An interview with the parent(s) or other referral source for children not enrolled in school is conducted for the purpose of pinpointing the specific referral concerns and developing the initial evaluation questions.

3. The child's parent(s) are notified of the initial evaluation concerns and the type of evaluation to be conducted and formal parental approval to conduct the individual evaluation is requested. No parental approval shall be requested unless it is determined that the child does need an individual evaluation.

C. Upon receipt of parental approval for the evaluation, the evaluation coordinator shall ensure that at least two appropriate and qualified personnel representing different disciplines participate in the conduct of the individual evaluation (one of whom shall be the evaluation coordinator).

1. Exceptions to the requirement of two qualified examiners may be made for children suspected of being speech impaired only, gifted, talented, hospital/homebound, or receiving the required three year re-evaluation. Such exceptions must be in accordance with the provisions of Bulletin 1508.

2. When a low incidence handicapping condition is the suspected exceptionality, statewide assessment resources (LSD, LSVI) which meet State standards must be considered.

3. If the child is determined to be at risk through sensory or motor screening, or if a sensory or other physical impairment is suspected, an appropriate assessment must be conducted by a physician or other qualified examiner with specialized training and experience in the diagnosis and treatment of the particular condition.

D. Throughout the evaluation process of an identified child, the evaluation coordinator shall ensure that:

1. Each individual evaluation is based on a comprehensive assessment of information drawn from a variety of sources.

2. The evaluation is conducted in accordance with all requirements of Bulletin 1508.

3. Each child is evaluated in each area of suspected exceptionality.

4. Full and complete records of information collected or generated in connection with an individual evaluation are maintained in accordance with confidentiality requirements.

5. An integrated report describing the findings and recommendations of the evaluation process is prepared.

6. The integrated report is disseminated to the supervisor of special education who shall take appropriate action.

7. The evaluation findings and recommendations are interpreted for the child's teacher(s).

8. A copy of the integrated report, any dissenting opinions and an opportunity for an oral explanation of the findings and recommendations are provided to the child's parent(s). This shall be done prior to the IEP meeting for an exceptional child.

9. A pupil appraisal staff member who participated in the evaluation is designated, when necessary, to attend the IEP Committee meeting to assist in the process of developing the IEP.

§434. Evaluation Process

Each individual evaluation shall consist of the Pupil Appraisal Assessment Program and/or a Diagnostic Assessment conducted by pupil appraisal personnel. The evaluation includes those interventions, observations, tests, and other procedures and sources of information used to assist in determining if a child possesses an impairment or condition which would enable him to be classified as exceptional in accordance with the criteria in Bulletin 1508.

A. The Pupil Appraisal Assessment Program shall be provided by pupil appraisal personnel for identified children in accordance with the provision of Bulletin 1508 and shall include the following:

1. An interview with the child's teacher.

2. Classroom observation and measurement of the target behaviors conducted by pupil appraisal personnel.

3. The development and implementation of an individual behavioral or educational intervention which is designed to modify the target behavior and includes the measurement of the results of the intervention.

4. An evaluation of the results of any other assessment activities conducted.

5. Sensory screening, if not previously conducted.

6. A review of the child's educational and medical history, including the attendance record.

7. An interview with the student.

8. A family interview.

B. Diagnostic assessment shall be conducted by pupil appraisal personnel for identified children in accordance with Bulletin 1508.

1. A Diagnostic Assessment shall include a review of current and past academic performance and a comparison of the current level of educational attainment of the child with the level appropriate for the same age or ability level.

2. Test and other evaluation procedures and materials include those used to assess the nature and extent of an exceptionality, a suspected exceptionality, or to assess general or specific areas of educa-

tional need and not merely those designed to provide a single intelligence quotient.

They shall be--

a. Tailored to assess specific areas of educational need.

b. Recommended by their producer and validated adequately for the specific purpose(s) for which they are used.

c. Appropriate for the age and stage of development of each person to whom they are administered.

d. Free of racial, cultural, language, or sex bias. In no event shall IQ scores be reported or recorded in any individual child's evaluation report or cumulative folder.

e. Written in the native language or conducted in the mode of communication most familiar to the person being assessed (e.g., non-verbal intellectual assessment of deaf children) unless it can be demonstrated that it is infeasible to do so.

f. Selected so as to best ensure that when a text is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the factor(s) the test purports to measure rather than reflecting the child's impaired sensory, manual, or speaking skills (except in those cases in which those skills are the factors the test purports to measure).

g. Administered in the native language or other mode of communication most familiar to the person being assessed, in conformity with the administration instructions of their producer; and their results interpreted in a manner which does not improperly measure the level of sensory, manual, or speaking skills of the person being assessed rather than the specified test objectives (e.g., achievement, intelligence); and interpreted in a manner free from racial, cultural, and sex bias.

3. No single Diagnostic Assessment procedure may be used as the sole criterion for determining an appropriate educational program for the child. A

variety of instruments, procedures, and sources of information shall be used.

§435. Evaluation Report

A. The integrated written report of the evaluation of an identified student required in §433 must contain the following:

1. A statement of the reason(s) for referral.

2. A statement of the individual evaluation questions.

3. A description of the evaluation procedures including interventions used to address each evaluation question and an analysis of the results.

4. A description of the child's present level of functioning.

5. A description of the child's relative strengths and weaknesses.

6. A description of the needs of child in order of importance.

7. A description of the impairment or condition which enables the child to be classified as eligible for special education services.

8. Information sufficient to permit a determination of the cultural compatibility between the child and the test administrator and the suitability of the testing (or other evaluative) environment.

9. An explanation of any discrepancies between formal test results and the child's customary behaviors and daily activities, or of any discrepancies among test results.

10. Any recommendations for types of services necessary to meet the educational needs of the child to include the following:

a. The type of related services necessary for the child to benefit from special education.

b. Need for a specially designed or adapted physical education program.

c. Instructional modifications or adaptations.

d. Classroom behavior management or adaptations.

11. A brief integrated summary of the evaluation findings.

12. Names of assessment personnel participating in the evaluation.

13. Signatures of assessment personnel whose conclusions are accurately reflected in the report.

B. If an appraisal person disagrees with the conclusion(s) in the integrated report drawn from an assessment conducted, that person(s) may submit a separate statement giving the areas of disagreement and the supporting data, and other conclusion(s) prior to the IEP meeting.

§436. Timelines

A. There shall be a period of no more than 10 operational days from the date of receipt of the referral for an individual evaluation of an identified child by pupil appraisal to the date when the request is made for parental approval to conduct the individual evaluation. Each individual evaluation must be completed and disseminated, including the evaluation report, within 60 operational days of receipt of parental approval unless a justified extension of time is necessary.

B. An extension of time of no more than 30 operational days is permitted when:

1. It is the judgment of the evaluation coordinator and the child's teacher(s) that the Pupil Appraisal Assessment Program should be extended.

2. Unusual circumstances such as illness of the child, illness of a member of the child's family, or of the pupil appraisal person working with the child interrupt the completion of the evaluation.

3. The child has received an individual evaluation from another school system within the past three years but the report has not yet been received by the school system.

C. In addition to the 60 days in §436.A., an extension of time of no more than 60 operational days is permitted when:

1. Specialized diagnostic assessment and/or medical diagnostic assessment services not available in the

school system are necessary for the completion of the individual evaluation.

2. Natural disaster or catastrophe interrupt the completion of the evaluation. Following such occurrences, school systems must request approval from this Office prior to taking an extension.

D. The maximal number of days of the extension described in B and C above shall not exceed the duration of the circumstance necessitating the extension.

E. Whenever formal parental approval for the initial evaluation of a child who is suspected of being exceptional is received within 30 operational days of the end of the school year, the evaluation coordinator may postpone the initiation of the evaluation to the first week of the next school year or initiate the evaluation if it appears that the requirements of §432-436 can be met. If the decision is to postpone or if the process once initiated cannot be completed, parents shall be given full and effective notice. If the process once initiated cannot be completed prior to the end of the school year, the evaluation may be completed during the next school year, as long as the total time required for the completion of the evaluation does not exceed 60 operational days, excluding that period during the summer when the regular school program is not in session.

F. Whenever the evaluation process initiated for any student within 59 operational days of the end of the school year cannot be completed prior to the end of the school year, the completion of the evaluation may be postponed until the next school year as long as the total time required for the completion of the evaluation does not exceed 60 operational days excluding that period during the summer when the regular school program is not in session.

G. Any extensions of the individual evaluation timeline must be explained and documented in the individual evaluation report.

§437 - 439. Reserved.

INDIVIDUALIZED EDUCATION PROGRAM

§440. Initial IEP/Placement Responsibilities

A. For each child initially determined to be exceptional and in need of special education and related services, school systems shall conduct a meeting or meetings to carefully consider the multisource data collected on the exceptional child in the individual evaluation process and must develop the initial written individualized education program (IEP) including the educational placement which meets all the requirements of this subpart.

B. School systems shall include on each IEP all special educational and related services necessary to accomplish comparability of educational opportunity between exceptional children and children who are not exceptional.

C. Each initial IEP/Placement document must be completed within 30 calendar days from the date of dissemination of the written evaluation report to the special education supervisor.

D. Responsibility for the development of each initial IEP rests with the school system's special education supervisor.

E. School systems shall prepare a progress report related to the short-term objectives in the IEP for each exceptional child and must provide it to the parent at the same time as report cards are provided to all students.

§441. IEP/Placement Content and Format

A. Each completed IEP shall contain the following:

1. A description of current educational performance and levels of individual functioning.

2. A description of special education and related service needs.

3. Long-term educational goals and description of the educational program, indicating whether the child shall address the regular or separate minimum competencies or a combination of regular and separate minimum competencies.

4. Annual educational performance goals for the child.

5. The child's short-term objectives which are measurable intermediate steps to attaining goals.

6. Appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis whether the short-term objectives and annual goals are being achieved.

7. The type of physical education program to be provided as indicated in §448.A.9.

B. Each placement portion of the IEP shall include all of the following:

1. A description of the specific educational environment in which the child is to be placed for the first year (or partial year) of the IEP and the reasons that it is the least restrictive environment possible.

2. The extent to which the child will be able to participate in regular educational programs.

3. The date for initiation of each type of service and the anticipated duration of each. When a related service is included, the frequency (range of time per session and the number of sessions per week) and whether the service will be individual or group shall be indicated.

4. The identification of those types of persons/ agencies responsible for the implementation of the IEP/Placement.

C. The IEP shall be developed on the form issued by the Department.

D. The school system shall provide a copy of each completed IEP/Placement document to the child's parent(s).

§442. <u>IEP Meeting Participants</u>

For an exceptional child who has been evaluated for the first time, the school system shall ensure that each IEP/Placement meeting includes the following participants:

A. An officially designated representative of the school system, other than the child's teacher, who is qualified to provide or supervise the provision of special education. This person shall also be knowledgeable about the placement options and shall have the authori-

ty to commit the school system's resources to implement the IEP.

B. The child's teacher.

C. One or both of the child's parents, subject to §443.

D. The child, where appropriate.

E. Other individuals at the discretion of the parent or school system.

F. The evaluation coordinator, or a member of the evaluation team which evaluated the child, unless some other person is present at the meeting who is knowledgeable about the evaluation procedures used with that child and is familiar with the results of that particular evaluation.

COMMENT:

1. In deciding which teacher will participate in meetings on a child's individualized education program, the school system may wish to consider the following possibilities:

   a. For an exceptional child who is receiving special education, the "teacher" could be the child's special education teacher. If the child's exceptionality is a speech impairment, the "teacher" could be the speech-hearing/language specialist.

   b. For an exceptional child who is being considered for placement in special education, the "teacher" could be the child's regular teacher, a teacher qualified to provide education in the type of program in which the child may be placed, or both.

   c. If the child is not in school or has more than one teacher, the school system shall designate which teacher(s) will participate in the meeting.

2. Either the teacher or the school system's representative should be qualified in the area of the child's suspected exceptionality.

§443. <u>Parent Participation</u>

A. School systems shall take steps to ensure that one or both of the parents of the exceptional child are present at each meeting. School systems shall contact

the parent(s) regarding each meeting early enough to ensure that they will have an opportunity to attend and schedule the meeting at a mutually agreed upon time and place. This contact must indicate the purpose, time, and location of the meeting, and who will be in attendance.

B. If parent(s) do not attend a scheduled IEP/Placement meeting for which arrangements have been made in accordance with these Regulations, other methods shall be used by the school system to provide for the mandatory parental participation. These other methods include making individual or conference telephone calls, rescheduling the meeting, sending correspondence summarizing the meeting, and requesting parental suggestions.

C. When the parent does not attend the IEP/Placement meeting, the meeting may be conducted without the parent in attendance providing that:

1. Another method for parental participation is used and documented.

2. The school system has documented attempts to arrange a mutually agreed on time and place, such as:

a. Detailed records of telephone calls made or attempted and the results of those calls.

b. Copies of correspondence sent to the parents and any responses received.

c. Detailed records of visits to the parents' home or place of employment and the results of those visits.

D. The school system shall take whatever action is necessary to ensure that the parent(s) understand(s) the proceedings at a meeting, including arranging for an interpreter for parent(s) who are deaf or whose native language is other than English.

§444. <u>IEP/Placement Meeting(s) for Exceptional Children in Other School Systems or in Approved Nonpublic Schools</u>

A. Before a school system places an exceptional child in another school system or in an approved nonpublic school or refers an exceptional child to another school system, the sending school system shall initiate and conduct a meeting to develop an IEP for the child in accordance with these Regulations.

In preparation for this IEP/Placement meeting, the school system shall perform the following:

1. Apply to SSD#1 for approval of placement out of the geographic attendance area of the school system or for a transfer of jurisdiction in accordance with §452.B.

2. Discuss with an authorized representative of the receiving school system or the approved nonpublic school:

   a. The child's eligibility for admission,

   b. The education records necessary to determine eligibility for admission,

   c. The availability of services, and

   d. The likelihood of the child being accepted by the system if the IEP/Placement meeting resulted in such a recommendation.

3. For placement consideration at or referral to a State Board Special School, the proposed educational placement and supporting information must be forwarded to both SSD#1 for its review and approval in accordance with §271 and to the appropriate State Board Special School for its review and agreement.

B. The sending school system shall ensure that a representative of the approved nonpublic school or the other school system attends the IEP/Placement meeting. If the representative cannot attend, the sending school system shall use other methods to ensure participation by the other school system, including individual or conference telephone calls.

§445. Conduct of the IEP/Placement Meeting(s)

A. When the IEP development section of the meeting is completed, the school system should initiate the placement section of the meeting immediately following the IEP meeting.

B. The IEP/Placement meeting may be continued at a later time if further consideration must be given to the placement requirements.

C. Regardless of the number of meetings held, the initial IEP/Placement document must be completed within the 30 calendar days allotted.

§446. Parental Approval of Placement

A. Each school system shall obtain formal parental approval of the educational placement decisions prior to providing initial special education and related services. Parent(s) may indicate formal written approval:

1. By signing the IEP/Placement document following its development at the IEP/Placement meeting, or

2. By signing the IEP/Placement document provided through the mail and returning it to the school system.

In either case, parent(s) shall be provided a copy of the completed IEP/Placement document signed by the officially designated representative of the school system.

B. Implementation of educational placement shall begin within 10 calendar days following receipt by the school system of formal parental approval.

C. If the parent(s) withhold formal written approval of the educational placement, the parish supervisor shall either:

1. Recommend a modified educational placement to which the parent(s) will provide approval, or

2. Indicate to the parent(s) in writing that no placement modification will be made (in which case the child shall be maintained in the present placement or be offered placement in the school system with approval of parent(s) until the matter is resolved).

D. The parent(s) may request a hearing in accordance with §509 of these Regulations in order to resolve any disagreement over the proposed IEP/Placement of the child.

E. If the school system wishes to override the parental decision to withhold a formal written approval for the initial placement of the child in special education, the school system may appeal to the appropriate State court within the time prescribed by State law.

PLACEMENT REQUIREMENTS

§447. General Considerations

In considering the educational placement of each exceptional child, the IEP/Placement committee participants shall ensure that the placement is based upon the IEP and is made in conformity with the following rules and requirements:

A. Least Restrictive Environment Rules (§448).

B. Homebound Placement Rules (§449).

C. Duration of Placement Rules (§450).

D. Direct Services Rules (§451).

E. Nonacademic Setting Requirements (§453).

F. Alternatives to Direct Services (§452).

1. Nonpublic placement (§444).

2. Out-of-district placement (§444).

§448. Least Restrictive Environment Rules (Rules for selection of alternative settings)

A. For each educational placement, the school system shall ensure that:

1. It is determined at least annually.

2. It is based on an IEP/Placement Document.

3. To the maximal extent appropriate, exceptional children are educated with children who are not exceptional.

4. Special class, separate schooling, or other removal of exceptional children from the regular educational environment occurs only when the nature or severity of the exceptionality, e.g., low incidence sensory handicapping conditions, is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

5. The placement is in the school which the child would attend if not exceptional, unless the IEP/Placement document requires some other arrangement.

6. The placement is as close as possible to the child's home, if the placement is not in the school the child would normally attend.

7. In selecting an alternative setting, the school system shall consider any potential harmful effect on the exceptional child or the quality of services needed. No child shall be placed in a setting which violates the maximal pupil/teacher ratio or the three-year chronological age span.

8. The special education program in which each educational placement is made, including day or residential nonpublic schools, meets the standards of the State Board.

9. Physical education services (including modification in regular physical education) must be provided to handicapped children in the regular physical education program and may be different from that provided other children only if the child needs adapted physical education according to criteria established in Bulletin 1508.

COMMENT:

Exceptional children placed in separate facilities must receive either regular or adapted physical education in accordance with the IEP/Placement document.

B. A continuum of alternative educational settings shall be available to the extent necessary to implement the IEP/Placement document for each handicapped child. At a minimum, this continuum shall include (in order of restrictiveness as it applies to each child):

1. Regular classroom with itinerant, resource room, or supplemental services;

2. A self-contained special class in a regular school;

3. Special schools;

4. Residential special schools; and

5. Homebound instruction.

C. A continuum of alternative educational settings shall be available to the extent necessary to implement the IEP for each gifted or talented child. At a minimum, this continuum shall include (not in order of restrictiveness as it applies to each child):

1. Regular classroom with itinerant, resource room, or supplemental services;

2. Regular classroom with a resource center for gifted or talented students; and

3. Special classes;

D. The Least Restrictive Environment rules may not be waived by any party, including the parent(s).

COMMENT:

1. The increased isolation of exceptional children which could result from the operation of an instructional program for exceptional children during a period of time when nonexceptional children are not attending school would not violate any requirements of the least restrictive environment rules. However, an exceptional child shall not be placed in a more restrictive environment than necessary to implement the IEP/Placement document because of the possibility of extended services being necessary.

2. Exceptional children enrolled in SSD #1, State Board Special Schools, or in other approved public or approved nonpublic residential facilities must participate whenever appropriate in educational programs operated by city/parish school systems in the geographic area in which they are located.

3. In consideration of alternative educational settings available for exceptional children, especially for those with low incidence sensory handicapping conditions, the least restrictive educational environment will be a program, whether in existence or not, which can appropriately meet the student's individual educational and psycho-social needs, including necessary resources.

§449. Homebound Placement Rules

The placement of an exceptional child, excluding children whose only exceptionality is hospital/homebound, by a school system in a program of homebound or hospital instruction may be proposed only if one of the following exists:

A. The exceptional child possesses a physical impairment or illness which directly (or because of treatment required) precludes the child's movement from a hospital or home environment to the general educational environment.

B. Consistent with the requirements of these Regulations, the child has been determined to be seriously emotionally disturbed and:

1. A psychologist or psychiatrist who is licensed to practice in Louisiana has certified in a signed written report filed with the Office that the child is admitted to a full-time inpatient program of care and treatment in a hospital certified or licensed by the State of Louisiana and that continued participation in the inpatient program is necessary to the proper care and treatment of the child.

2. A psychologist or psychiatrist who is licensed to practice in Louisiana has certified in a signed written report submitted to the school system and filed with the Office that:

   a. The child is seriously emotionally disturbed.

   b. The child is being provided a program of continuous care and treatment which would be seriously disrupted by movement to the general educational environment.

   c. The program of care and treatment in concert with the proposed homebound instruction should permit the return of the child to the general educational environment at a specified date.

   d. A copy of a treatment plan for the child signed by the psychiatrist or psychologist is attached to the written report together with a statement that the psychiatrist or psychologist will notify the school system if the treatment plan is significantly changed or discontinued.

C. A child who is awaiting approval of Regional Review for placement in a residential facility and for whom a school-based interim program has been unsuccessfully implemented because of the severity of the handicap or threat of danger to self or others.

D. An exceptional child is detained by court order in a juvenile detention facility.

E. An exceptional child is undergoing disciplinary action. Time limits are subject to the provisions of §459.

§450. Duration of Educational Placement Rules

A. School systems shall provide special education and related services to exceptional students in accordance with an IEP for no less than the normal 180-day school cycle.

B. School systems shall provide education and related services in excess of 180 school days to exceptional children when the IEP, developed on the basis of teacher assessment, parental input, experiences of persons who work with the student, educational records, evaluation reports, and other reliable multi-source data, indicates the need for and specifies the goals and objectives of the extended school year program. The determination concerning the need or lack of need for an educational program beyond 180 school days made by the IEP meeting participants shall be reviewed annually to ascertain any changes in the student's needs.

C. The IEP may include special education and related services in excess of 180 school days when the multi-source data specified in B above indicates that the student's handicap is of such severity that without instruction in excess of 180 school days, there will occur a significant loss of educational skills.

COMMENT:

Significant loss means a regression caused by an interruption in educational programming, together with a rate of reacquisition of a skill (compared to the student's initial rate of acquisition of a skill) which renders it impossible or unlikely that the child can attain the long range educational goals specified in the IEP without extended programming.

COMMENT:

IEP participants in determining the length and type of an extended program shall not be bound or limited by any predescribed program or its length. The type and length of the extended program shall be determined on an individual basis for each child. A program ranging anywhere from 181 up to 240 school days shall be available when appropriate.

§451. Direct Service Rules

A. School systems must provide direct services themselves or through approved cooperatives in the alternative setting needed by an exceptional child if:

1. There are sufficient numbers of such exceptional children who need similar alternative special educational settings, who are within a three-year chronological age span, and who are under the jurisdiction of the school system.

2. Such direct services are consistent with these Regulations which have given particular attention to LRE Rules.

B. Exceptional children for whom a regular classroom placement (with supportive aids and services) is the LRE must be placed in such a classroom at the regular public school where the supportive aids and services would normally be provided.

C. Exceptional children who are voluntarily enrolled in an approved nonpublic school and who are selected at the option of the school system to be provided special educational services under an eligible enrollment shall be enrolled in the regular school program for the balance of the school day at the approved nonpublic school.

§452. Alternative to Direct Services

A. An exceptional child may be placed in an approved public or nonpublic day or residential school program within the geographic area of the school system only if the direct service provisions of §451 do not require the establishment of instructional programs by the school system directly or through approved cooperatives with other school systems.

B. School systems must apply to the Department when a child is referred to or is to be placed in an approved public or nonpublic day or residential school outside the geographic area of the school system, unless the placement is in an approved cooperative operated by school systems.

1. In determining whether to approve a request for referral or placement in an approved public or nonpublic day or residential school program located outside the geographic area of the school system but within the State, the Department will consider the following:

a. The short-term and long-term educational needs of the child.

b. The alternative educational placements available within the school system or through a cooperative agreement.

c. The potential for creating a new alternative educational placement within the school system or by cooperative agreement which would be less restrictive than the proposed placement.

d. The proximity of the proposed placement to the residence of the child (e.g., greater metropolitan area).

2. In determining whether to approve a request for referral or for placement in an approved public or nonpublic day or residential school program located outside the State, the Department, in addition to considerations listed above, must also consider the ability of the proposed educational program and facility to meet the minimum standards for special schools of Louisiana. In this determination:

a. The nonpublic school must be approved by the SEA of the state in which it is located.

b. An on-site visit by Department personnel must be conducted prior to placement.

c. The state in which the facility is located must have an approved annual program plan for implementation of P.L. 94-142.

d. The public or nonpublic school must provide necessary data to establish comparability of educational programs to similar programs operated in Louisiana.

COMMENT:

1. The provisions of R.S. 17:1946 (Act 728 of 1979) shall be adhered to in regard to day placements made by DHHR prior to July 1, 1979. Nothing in this subpart shall be construed to limit or restrict the obligation of school systems under P.L. 94-142 of this Part to provide services to voluntarily enrolled handicapped children in approved nonpublic schools. School systems which place an exceptional child in an approved nonpublic school program must provide the approved nonpublic school program whatever resources are necessary to provide the child and the child's parents all of the rights, privileges, and services established by these Regulations.

2. Exceptional children placed in approved nonpublic schools by a school system remain within the jurisdiction of that school system regardless of the geographic location of that approved nonpublic school.

3. School systems remain fully and directly responsible for the complete compliance of the educational program being provided with the requirements of these Regulations.

4. City/parish school system referral of an exceptional child to a State Board Special School is always an out-of-district placement unless a cooperative agreement exists with the city/parish school system; and if the child is admitted to such a school, the child is transferred to the State Board Special School's jurisdiction.

§453. Nonacademic Setting Requirements

A. Nonacademic and extracurricular services and activities (including counseling, recreational athletics, intramural and interscholastic athletics, transportation, health services, and clubs sponsored by the school system) must be offered in a way that allows equal opportunity to each exceptional child to participate in services and activities.

B. Nonacademic and extracurricular services, meals, and recess periods must be provided in the most integrated setting appropriate to the needs of the child.

IEP/PLACEMENT REVIEW PROCEDURES

§454. Review Meetings

A. Each school system shall ensure that each IEP/Placement review meeting is conducted at least annually in accordance with §441, §443, §444, §446, §448 and includes at least the following participants:

1. An officially designated representative of the school system, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education. This person shall also be knowledgeable about the placement options and shall have the authority to commit school system resources to implement the IEP/Placement document;

2. The child's teacher;

3. One or both of the child's parents;

4. Child, where appropriate; and

5. Other individuals at the discretion of the parent(s) or school system.

B. More than one IEP/Placement review meeting may be conducted at the discretion of the school system. However, these Regulations require that only one IEP/Placement review meeting be conducted annually.

C. School systems shall include on each IEP/Placement document all special education and related services necessary to accomplish comparability of educational opportunity between exceptional children and children who are not exceptional.

D. School systems shall prepare a progress report related to the short-term objectives in the IEP/Placement document for each exceptional child and must provide it to the parent at the same time as report cards are provided to all students.

§455. Approved Nonpublic Schools--Review of IEP

A. After an exceptional child enters an approved nonpublic school, any meetings to review and revise the child's IEP/Placement document may be initiated and conducted by the approved nonpublic school or facility at the discretion of the placing school system.

B. If the approved nonpublic school initiates and conducts these meetings, the placing school system shall ensure that the parents and a representative of that school system--

1. Are involved in any decision about the child's IEP/Placement document, and

2. Agree to any proposed changes in the program before those changes are implemented.

§456. Special School District #1 and State Board Special School--Review of IEP

If, during the review or revision of an IEP of a child in the jurisdiction of Special School District#1 or a State Board Special School, a change in placement in or a referral to a city/parish school system is considered, a representative of that school system, in addi-

tion to other meeting participants required by §454, must be involved in any decision about the child's IEP/Placement.

§457. Transitional Placement

When a re-evaluation indicates that an exceptional child currently enrolled in special education no longer meets all the criteria in Bulletin 1508 for classification as an exceptional child, the school system shall either:

A. Place the child in regular education after obtaining formal parental approval if the child is still eligible for regular education; or

B. Recommend that the child be placed in an appropriate alternative setting for a one-year transitional special education program. The transitional program shall be provided in accordance with an IEP/Placement document and shall include a regular education membership in combination with a resource or itinerant membership only. The child in a transitional special education program shall have all procedural safeguards established in Part 500 of these Regulations.

§458. Change to Less Restrictive Environment

A. During each IEP review or revision, the educational placement of the exceptional child must be changed to a less restrictive environment, unless the school system documents that the educational needs indicated on the updated IEP/Placement document indicate that a change in educational placement would cause a reduction in quality of services needed or have a potentially harmful effect on the child.

B. Significant change in educational placement is defined as moving a child from one alternative setting to another which is more restrictive or which transfers jurisdiction; such a change requires a re-evaluation. A re-evaluation is not required to precede a placement change to a less restrictive environment occurring as a result of an annual IEP/Placement document update.

§459. Review of Placement Resulting from Disciplinary Action

A. In accordance with State law, the policy of a school system's governing authority and of this subpart, teachers, principals, and administrators are authorized to hold each student to a strict accountability for any disorderly conduct in the school, on the playground of

the school, on any school bus going to or returning from school, or during recess or intermission.

Prior to administering any form of discipline that may result in the cessation of or interference with the educational program of a student identified as handicapped, teachers, principals, and administrators must give consideration to the influence that the student's handicap may have on the behavior in question. (See §459.H. for exception)

B. At each IEP meeting there should be a discussion of the behavioral needs of the student. This may include the following:

1. addressing any behavior problem(s) of the student that are related to the handicapping condition;

2. developing a structured program of behavior management (including goals and objectives) for dealing with the behavior; and

3. a review and determination of the effectiveness of any prior plan of behavior management.

NOTE: Any structured program of behavior management which is included in a student's IEP shall not be considered disciplinary action.

C. The IEP committee shall be convened to review the program and/or placement of a student classified as handicapped as soon as possible following:

1. nine school days in or repetitive assignments to a structured in-school alternative discipline program;

2. the third occurrence of a suspendable infraction;

3. cessation of educational services for nine (9) cumulative school days due to one or more suspensions; or

4. such inappropriate behavior that would make a review necessary.

NOTE: Generally, the IEP committee should be convened within three school days of any of the above situations.

D. Prior to the suspension or expulsion of a student classified as handicapped a determination must be made (§459.I.5) as to whether the behavior is related to the student's handicapping condition. The special education administrator or designee shall be notified within

one (1) operational day of the determination decision regarding the student's handicap, the behavior, and whether disciplinary action is taken.

E. If the determination is made (§459.I.5) that the behavior is related to the student's handicap, then the student shall neither be suspended nor expelled. (See §459.H. for exception)

1. The student may remain in his/her current educational setting if this is appropriate, or

2. The student's IEP Committee may be convened to consider modifications to the student's program/placement (e.g., additional related services, counseling, changes in his/her behavior management, increased time in the current special educational program setting, change of class schedule, teacher, etc.).

F. If the determination is made (§459.I.5) that the behavior is not related to the student's handicap the student may be suspended in accordance with discipline policies for nonhandicapped students.

G. If the determination is made (§459.I.5) that the behavior is not related to the student's handicap and an expulsion is being considered, prior to the expulsion:

1. the IEP Committee (§442) must be convened to

   a. familiarize the IEP committee with the determination decision,

   b. review the student's IEP/Placement, and

   c. if an expulsion is determined to be the appropriate disciplinary action, to develop an alternative education program that shall be provided to the student during the period of expulsion, and

2. if an expulsion is determined to be the appropriate disciplinary action a re-evaluation must be conducted.

H. When the behavior of a student classified as handicapped is presenting an immediate danger to self or others or is significantly destructive to property, the student may be immediately removed from the school premises provided that a determination as described in §459.I.5. and other required due process procedures are carried out as soon as possible. Generally, this

should not exceed three school days from the day of the incident.

I. Explanations:

1. A suspension is defined as:

   a. an in-school cessation of educational services for one school day or longer; and/or

   b. a temporary removal from school for not more than nine (9) school days.

2. An expulsion is defined as the removal of a student from school for ten (10) or more consecutive school days.

3. An in-school alternative discipline program which includes educational services shall not be considered a suspension.

4. Re-evaluation -

   The evaluation coordinator is responsible for judging the adequacy of all data, including that provided by the student's teacher, as a valid indicator of the student's current performance and assuring that any other evaluation procedures deemed necessary or appropriate are conducted.

   The re-evaluation should be specific to the referral questions in accordance with Bulletin 1508.

5. Determination -

   A determination is the assessment of a handicapped student's behavior as it is related to or influenced by his/her handicap. The determination must be made by at least one person knowledgeable about the student (e.g., a teacher) and one other professional staff member of the school system knowledgeable about the handicapping condition of concern (e.g., a certified special education teacher, a pupil appraisal staff member).

SERVICES TO VOLUNTARILY ENROLLED CHILDREN IN APPROVED NONPUBLIC SCHOOLS

§460. Exceptional Children in Approved Nonpublic Schools

A. City/parish school systems must operate programs and services assisted or carried out under funds received from the Education of the Handicapped Act (Public Law 94-142) so that handicapped children ages 3 through 21 voluntarily enrolled in approved nonpublic schools have a genuine opportunity to participate equitably in such programs and services consistent with their number and their needs. To meet this requirement school systems must comply with 45 CFR 100b 651-100b 662 (EDGAR) and 45 CFR 300a 450-451 and the program plan submitted for P.L. 94-142.

B. City/parish school systems may provide needed special education and related services to exceptional children in approved nonpublic schools from State and local funds in addition to child identification and evaluation services mandated by §414 as long as such services do not constitute a part of the educational program provided to the exceptional child for which the parents are paying tuition. Such optional services when rendered shall be at no cost to the parent, be provided in accordance with an IEP/Placement document, and meet the standards of the State Board including these Regulations.

C. The special education and related services referred to in §460.A. and B. do not include those for exceptional children who are enrolled in unapproved nonpublic schools. Those children, however, are eligible for child identification and individual evaluation services according to §415.

D. City/parish school systems after a determination that the child who is voluntarily enrolled in a nonpublic school is exceptional in accordance with §414 or §415, must give the parents of such child full and effective notice of the school system's obligation and willingness to provide the child with a free, appropriate public education. (See definitions Part 900)

§461. Training of Personnel for Initial Screening

Training must be provided by the Department to personnel of approved nonpublic schools who are responsible for implementing the initial screening process established by §412 of this Part.

ACCESSIBILITY

§462. Facility Accessibility

A. Facilities used by school systems, directly or through contractual arrangement, must be accessible to and usable by exceptional persons. Architectural barriers shall not prevent an exceptional child from being educated in the least restrictive educational environment as defined in §448 of this Part.

B. New facilities or new parts of facilities:

1. May not be approved for construction unless and until the Department and the State Board give express written approval on the basis of a satisfactory showing by a school system that adequate provision has been made for the necessary access of the exceptional children.

2. Must be designed and constructed in a manner which results in their being readily accessible to and usable by exceptional persons.

3. Must be constructed to at least meet the current level of accessibility provided by the American National Standards Institute (ANSI) standards.

C. Facilities which are altered for the use of school systems must be altered to the maximal extent feasible in a manner which results in the altered portion of the facility being readily accessible to and usable by exceptional persons.

§463. Program Accessibility

Program accessibility must be ensured within existing facilities.

A. Program accessibility may be accomplished through one of the following:

1. Alteration of existing facilities.

2. Nonstructural changes: redesign of equipment; assignment of communicative aids; reassignment of classes or other services to accessible buildings; assignment of aides to children; home visits; and delivery of health, welfare, or other social services at alternative accessible sites.

B. In choosing among available methods for meeting the program availability requirement, a school system shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

C. Structural changes in facilities do not need to be made where other methods effectively ensure program accessibility; where structural changes are necessary, they must be made as expeditiously as possible.

D. All nonstructural changes necessary to ensure program accessibility must be made immediately.

§464. Facility Comparability

Facilities identifiable as being for exceptional children and the services and activities provided therein must meet the same standards and level of quality as do facilities, services, and activities provided to other children.

§465-469. Reserved

LOCAL ADVISORY COUNCIL

§470. Membership

Each city/parish school board shall establish a local advisory council which shall consist of at least 10 and no more than 20 persons. The city/parish school board shall ensure that the membership of the advisory council shall consist of a representative of each of the following groups: (Each council member can represent only one of the groups.)

A. Handicapped individuals

B. Teachers of children in special educational services

C. Teachers of non-handicapped children

D. Parents of exceptional children

E. Parents of regular classroom children

F. State and local education officials

G. Special education program administrators

H. Representatives of consumers, colleges and universities, or vocational-technical schools

§471. Appointment Procedures

The membership of the advisory council by the city/parish school board shall be appointed according to the following procedures:

A. Each of the parent organizations and/or youth advocacy organizations registered with the school system pursuant to §488 shall nominate no more than two persons for appointment to the advisory council by the city/parish school board.

B. The city/parish school board shall appoint at least four persons from nominations submitted in accordance with A above.

C. If the nomination list described above consists of fewer than four nominations, the city/parish board shall select the balance without such nomination.

D. The balance of the membership shall be appointed by the city/parish school board.

§472. Terms of Office

Council members shall serve for three years. Initially, one-third of the members of the council shall serve for a term of one year, one-third for a term of two years, and one-third for three years. One person shall be elected chairman; subsequently a chairman shall be elected each year. Upon the expiration of any term of office of a member of the advisory council, the city/parish school system shall reappoint a person eligible in the same manner as the person being replaced.

§473. Functions

A. The local advisory council shall assist the city/parish school board in the development of local plans for the provision of special education and related services to exceptional children by reviewing, prior to adoption, all policy and budgetary matters included in each such plan.

B. The local advisory council shall transmit to the superintendent and the president of the board, in writing, the results of its review and any recommendations.

C. The advisory council shall meet as often as necessary to fulfill its responsibilities.

D. Agenda items must be publicly announced prior to meetings in accordance with school system policies on such announcements.

E. The advisory council shall send the name and address of its chairman to the Office annually.

§474. Responsibilities of City/Parish School Systems

A. The city/parish school system shall provide as necessary:

1. Interpreters at the local advisory council meetings.

2. Supportive services necessary for the council to fulfill its responsibilities, consistent with city/parish school board policy.

B. Advisory council members shall serve without compensation.

§475-479. Reserved

ADMINISTRATIVE MATTERS OF SCHOOL SYSTEMS

§480. Nondiscrimination in Employment

A. Each school system must comply with all of the Federal and State requirements governing nondiscrimination in employment.

B. Each school system must extend grievance procedures now in effect pursuant to the regulation issued by the U.S. Department of Education implementing Title IX of the Education Amendments of 1972 (45 CFR 86.8) to include any grievance of handicapped employees.

§481. Appointment of A Supervisor of Special Education

Each school system must employ a certified supervisor of special education on a full- or part-time basis.

§482. Certification of Staff

Staff of school systems who provide instructional, appraisal, related, administrative, and support services to exceptional children must currently meet all applicable Louisiana Standards for State Certification of School Personnel.

§483. Inservice Training

Each school system must participate fully in the preparation and implementation of the State Comprehensive System of Personnel Development. In this regard, each school system must provide continual inservice training to staff who identify, evaluate, and place exceptional children, and/or provide special education and related services to exceptional children. Inservice training must be coordinated with any plan required under the public school accountability and assessment program for employees.

§484. Self-evaluation

Each school board must maintain the self-evaluation under the regulations in Section 504 on file and available for public inspection. This plan shall be updated every three years and revised as necessary.

§485. Assurance of Compliance

A. In connection with each annual application for State and Federal financial assistance, each school system must sign a written assurance that the preschool, elementary, and secondary program operated by the school board is currently in compliance and will, in the future, be operated in compliance with these Regulations and any applicable Federal regulations.

B. Each school system shall permit access by the staff of the Office during regular business hours to any sources of information necessary to ascertain compliance with these Regulations.

§486. Procedure for Application for State or Federal Funds

Each school system requesting State or Federal funds administered by the Department shall do so according to the procedures established by the Department.

§487. Annual Application for P.L. 94-142 Funds

On or before June 1 of each year, each school system must submit an application to the Office which sets forth a request for P.L. 94-142 funds sought by the school system to provide a free, appropriate public education to exceptional children.

A. The annual application must be submitted on forms issued by the Department and must contain any request which the school system intends to make for Federal funds.

B. The annual application must be approved by the school system governing authority before the submission to the Office.

C. The annual application must include all state and federal procedures and assurances necessary to receive such Federal funds.

§488. Preparation of Application

A. In the preparation of the application required under P.L. 94-142, the school system must:

1. Publish a summary of the application for P.L. 94-142 flow-through funds (the application) indi-

cating its purpose and scope, its public availability, the timetable for final approval, the procedures for submitting written comments, any policy changes from previous applications, and a list of the time and place of the public meeting to be held. Such notice shall occur between 45 and 60 calendar days prior to submission of the program plan to the governing authority of this school system.

2. Distribute to any parent organization, child and youth advocacy organization, approved nonpublic school program, public college or university, or other affected agency operating in the jurisdiction of the school system which has previously registered with the school system, a copy of the proposed application and a list of the times and places of the public meeting to be held. This distribution must occur fewer than 30 calendar days prior to submission to the governing authority of the school system of the proposed application.

3. Publish within the week preceding the public meeting a description of the time, place, and purpose of the meeting in newspaper(s) of general circulation in the jurisdiction of the school system.

4. Hold the public meeting in which parents and other interested persons throughout the geographic area of the school systems are afforded a reasonable opportunity to comment on the application.

5. File in a publicly available location a written or electronic verbatim record of the public meeting and any written comments received.

6. Review and consider all public comments which might warrant modification of the application.

7. Attach a summary of the comments made during the public meeting or received by the governing authority of the school system to the proposed final application submitted to the governing authority of the school system.

8. Publicize the approval by the governing authority of the school system of the final application and the location where copies of the plan can be obtained by the public.

9. Publicize the approval or disapproval by the Department of the application and the location where copies of the final application can be obtained by the public.

10. Inform potentially interested parent and child advocacy organizations, approved nonpublic school programs, public colleges and universities, and other affected agencies in the jurisdiction of the school system of the requirements of this subpart.

B. The school system shall provide a list of the organizations to which a distribution of the application is made upon submission of the application to the Office of Special Educational Services.

§489. Annual Reports for P.L. 94-142

A. An annual report must be prepared by each school system and filed by August 15 of each year with the Department.

B. The annual report must be prepared on a form issued by the Department and shall require the reporting of pupil enrollment and data by race, sex, age, and exceptionality; personnel data for comprehensive system of personnel development; and any other necessary data.

§490. Maintenance of Special Education Enrollment

Each school system shall maintain on file in the office of the school system's special education administrator a current enrollment list, by school building, of the name of each child being provided special education and related services. This list shall include all bona-fide multiple enrollments for each child and be compiled by race, sex, age, exceptionality, and type of Federal funds for which to be counted. This roll shall be updated no less than quarterly. This enrollment list shall be used in computing:

1. Average Daily Attendance for P.L. 89-313 as of October 1 of the current school year. This enrollment shall be attached to each count submitted to the Department. All confidentiality requirements shall be met in regard to protection of personally identifiable data.

2. Child Count for P.L. 94-142 as of December 1 of the current school year.

§491. Child Counting

A. Handicapped children enrolled in a residential or day program at a State Board Special School shall only be

counted for P.L. 89-313 by the State Board Special School and not by any city/parish school system for the purpose of computing a grant under P.L. 94-142.

B. Handicapped children shall be counted by any school system for the purpose of computing a grant under P.L. 94-142 according to procedures established by the Department.

C. Handicapped children counted for P.L. 89-313 shall not be counted for the purpose of computing a grant under P.L. 94-142.

D. Handicapped children counted by any school system for the purpose of computing a grant under P.L. 94-142 shall not be counted for P.L. 89-313 also.

§492. Dissemination of Child and Parent Rights

Each school system shall reprint and provide to each parent of a student who is currently receiving special education or who is identified as suspected of being handicapped, a copy of the Office's child and parent rights booklet and shall refer any request for these Regulations to the Office.

§493. Use of P.L. 94-142 Flow-through Funds

A. A school system may only use P.L. 94-142 funds for the excess cost of providing special education and related services for handicapped children. Costs must be directly attributable to the education of a handicapped child. P.L. 94-142 funds received must not be commingled with State funds.

B. The school system meets the excess cost requirement if it has on the average operation at least the amount determined under 45 CFR 300a 184 and 45 CFR 300a 186 for the education of each of its handicapped children. This amount may not include capital outlay or debt service. The excess cost requirement prevents a school system from using funds provided under P.L. 94-142 to pay for all of the costs directly attributable to the education of a handicapped child. However, the excess cost requirement does not prevent a school system from using P.L. 94-142 funds to pay for all of the cost directly attributable to the education of a handicapped child in any of the ages of 3, 4, 5, 18, 19, 20, or 21 years, if no local or State funds are available for nonhandicapped children in that age range. However, the local educational agency must comply with the non-

supplanting and other requirements of this Part, providing the education and services.

C. School systems may not replace State and local funds with P.L. 94-142 funds, on either an aggregate basis or for a given expenditure.

1. To determine that the "aggregate basis" requirement is met, school systems must be able to demonstrate that the total amount, or average per capita amount, of State and local school funds budgeted for expenditures in the current fiscal year for the education of handicapped children is at least equal to the total amount, or average per capita amount, of State and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for decreases in enrollment of handicapped children and expenditures of unusually large amounts of funds for such long-term purposes as the acquisition of equipment and the construction of school facilities.

2. To determine that the "given expenditure" requirement is met, school systems must be able to demonstrate that P.L. 94-142 funds have not been used to replace State or local funds for any particular cost.

D. School systems must use State and local funds to provide services to handicapped children receiving P.L. 94-142 funds which, taken as a whole, are at least comparable with services provided to other handicapped children.

E. School systems must maintain records which demonstrate compliance with the excess cost, nonsupplanting, and comparability requirements.

§494. Purchase of Services

A. Consistent with the requirements of these Regulations, a school system may enter into a purchase of services agreement with any other public or nonpublic school, agency, or institution to provide a free, appropriate public education to exceptional children in need of special education and related services; provided that any such school, agency or institution from which services are purchased meets standards approved by the Department. The contract shall be a tri-party contract between the city/parish school system, the approved

agency from which services are purchased, and the Department. The Department is included as a fiscal agent in accordance with Act 728 of 1979 (R.S. 17:1946). City/parish school systems shall not be required to contribute from local funds an amount that exceeds average gross cost per educable child in the school system plus the pro rata part of the State allotment for serving pupils requiring special education and related services.

B. A school system which received P.L. 89-313 funds shall use those funds to supplement the appropriately designed education for handicapped children which the school system provides directly or by contract to children who were counted in the average daily attendance. A school system may enter into contract with other agencies, schools, or the Department to carry out the activities of the P.L. 89-313 program but must administer and supervise all activities and may not provide all P.L. 89-313 services through contract.

§495. Interagency Coordination

A. Each school system shall, upon request, assist the Department in the development and implementation of any interagency agreements designed to improve the delivery of special education and related services to exceptional children.

B. Each school system shall enter into interagency agreements listed in §850 to the extent necessary to comply with all provisions of these Regulations and to provide the best possible overall program of services to exceptional children.

C. Each agreement shall be consistent with §800 of these Regulations.

§496. Responsibilities for Placed Students

City/parish school systems shall enroll exceptional children currently enrolled in SSD #1 or State Board Special Schools for provision of special education in the least restrictive environment when the child is placed by SSD #1 or State Board Special Schools. Such an exceptional child remains in the jurisdiction of SSD #1 or the State Board Special Schools, which shall reimburse the city/parish school system for the cost of providing such services not available to the city/parish system through state funding. A city/parish system or SSD #1 which places low-incidence handicapped

children in State Board Special Schools must reimburse State Board Special Schools for the cost of providing such services not available to the State Board Special Schools through State funding. The school system which retains jurisdiction retains fiscal responsibility for funds not available to the other system from the State. A city/parish school system that disagrees with such a referral may, on an individual basis, apply to the State Board for exemption from the State Board from this obligation.

§497. Regional Review Coordination

If an exceptional child is being considered for residential placement for treatment, care, or habilitation in a State-operated facility or an approved nonpublic facility, the school system shall transmit, with formal parental approval, available educational records including any current IEP/Placement document so that the applicable regional review committee of DHHR may consider the educational needs of the child in making its decision regarding treatment, care, and habilitation.

§498. Discharge from Treatment Care and Habilitation

Upon receipt of notification from the appropriate agency, a city/parish school system shall conduct an IEP/Placement meeting according to §400 for exceptional children who were discharged from state-operated residential facilities and are still eligible exceptional children. SSD #1 shall participate in this IEP/Placement meeting either by sending a representative to the meeting or by a conference call.

§499. Reserved.

PART 500. PROCEDURAL SAFEGUARDS

§501. General Responsibility

Each school system shall establish and implement procedural safeguards which meet the requirements of this Part.

§502. Full and Effective Notice

Full and effective notice is written notice that fulfills the following criteria:

A. Contains a full explanation of all the procedural safeguards available to the parents, including confidentiality requirements.

B. Describes the proposed (or refused) action, explains the reasons for such action, and describes any options considered and rejected.

C. Describes each evaluation procedure, type of test, record, or report used as a basis for the action and any other relevant factors.

D. Identifies the employee or employees of the school system who may be contacted.

E. Is written in language understandable to the general public and provided in the native language or other mode of communication used by the parent.

F. Is also communicated orally (when necessary) in the native language or other mode of communication so that the parent understands the content of the notice.

§503. Formal Parental Approval

A. Formal parental approval of a proposed action is written approval made by a parent who has been fully informed of all information relevant to the activity, in his or her native language or other mode of communication, and understands that the approval is voluntary and may be revoked at any time.

B. Formal parental approval for the release of the educational record must be given by a parent who understands and agrees in writing to the list of persons or agencies to whom the records will be released.

§504. Independent Individual Evaluation

The parents of an exceptional child have the right to obtain an independent individual evaluation of the child, in accordance with the following:

A. Independent individual evaluation means an evaluation conducted according to the criteria in Bulletin 1508 and these Regulations including the location of an evaluation conducted by qualified examiners who are not employed by the school system responsible for the education of the identified child. An independent evaluation is not necessarily a private evaluation.

B. A parent has the right to an independent individual evaluation that meets the requirements of Bulletin 1508. This individual evaluation shall be at public expense (without charge) in either of the following instances:

1. If the parent gives written notice of disagreement with the evaluation provided by the school system and school system agrees with the parent.

2. If the parent gives written notice of disagreement with the evaluation provided by the school system and the school system disagrees with the parent and initiates a hearing within 10 operational days of the written notice and the hearing officer finally decides that the parent was correct.

3. If a hearing officer requests an independent evaluation as a part of a hearing.

C. Parents have the right to obtain an individual evaluation at their own expense. It is advisable for parents to determine if Bulletin 1508 criteria will be met.

1. The results of such a privately obtained independent evaluation:

a. Must be considered by the school system in any decision made with respect to the provision of a free, appropriate public education. This does not mean that any such privately obtained evaluation supersedes any individual evaluation obtained by the school system.

b. May be presented as evidence at a hearing under §509 of these Regulations.

2. Parents are advised that in considering the privately obtained independent evaluation, the school system must:

a. Within 10 operational days of receipt of the privately obtained individual evaluation, conduct a review of the evaluation to determine if it meets all requirements of Bulletin 1508 and inform parents of the decision reached and the action to be taken by the school system.

b. If this review indicates that the evaluation meets all Bulletin 1508 criteria and the child is exceptional, the system shall comply with §440 or §454 of these Regulations.

c. If, upon review, it is determined that the evaluation does not meet all requirements for eligibility specified in Bulletin 1508, the parents shall be so informed and have their options explained to them. The parents may choose to have the private evaluator (at the parent's own expense) complete the evaluation according to criteria or request the school system to complete the evaluation using pupil appraisal personnel in the school system. If the choice is the latter, formal parental permission shall be obtained, and the evaluation shall be completed in accordance with the timelines established in §436.

§505. Rights of Exceptional Children

Exceptional children (and their parents acting on their behalf) have the following rights:

A. To receive equal educational opportunity.

B. To be provided a free, appropriate public education.

C. To have the school system give careful consideration to the results of an independent evaluation with respect to the provision of a free, appropriate public education.

D. To inspect and review all educational records with respect to the identification, evaluation, and placement of the child and the provision of a free, appropriate public education.

E. To initiate a hearing on any of the matters described in §509.A.

F. To receive an impartial hearing with opportunity for direct participation, representation by counsel, and other procedural rights.

G. To present complaints to the Department relating to identification, evaluation, or educational placement, or to the provision of a free, appropriate public education.

H. To have a surrogate parent assigned, where appropriate, by the school system.

I. To be provided with a written copy of the integrated reports of the individual evaluation as soon as it is completed and prior to the IEP/Placement meeting, together with an opportunity for a full oral explanation (effectively communicated) of both the findings and the recommendations.

J. To be provided, upon request, advance notice of the times, dates, and places of conduct of assessments, and, upon request, to be permitted to view the proposed assessment locations, prior to the date and time of the proposed assessment, when assessments are not in progress. Such a viewing must be arranged with the appropriate administrative authority of the sites.

K. To have a personal consultation with members of the pupil appraisal staff conducting assessments.

L. To receive full and effective notice of proposed actions as provided in this Part.

M. To provide formal parental approval as provided in this Part.

N. To be informed of any free or low-cost legal and other relevant services available if a hearing is initiated.

§506. Confidentiality of Information

A. Each school system must permit parents to inspect and review any educational records directly relating to their children which are maintained by the school system or by a party acting for the school system.

B. School systems must comply with a parental request to inspect and review educational records without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case shall the time exceed 30 operational days after the request has been made. The right to inspect and review educational records under this subpart includes the following:

1. The right to response from the school system to reasonable requests for explanations and interpretations.

2. The right to request that the school system provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.

3. The right to have a representative of the parent (authorized in writing) inspect and review the records.

C. The school system may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

D. The school system must keep a record of parties obtaining access to educational records (except access by parents and authorized employees of the school system) including the name of the party, the date access took place, and the purpose of the authorized use.

E. If any educational record includes information on more than one child, the parents shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

F. The school system shall provide parents, on request, a list of the types and locations of educational records collected, maintained, or used by the school system.

G. The school system may charge a fee for copies of records made for parents under this Part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

H. A parent who believes that information in the education records is inaccurate or misleading or violates the privacy or other rights of the child, may request, in writing, that the school system amend the information as requested and inform the parents of the decision within a reasonable period of time of receipt of the request. If the school system decides to refuse to amend the information, it must advise the parent of the right to a hearing. The hearing must be provided in accordance with the requirements of 45 CFR 99 22.

I. Formal parental approval must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under these Regulations or is disclosed to anyone other than officials of participating agencies collecting or using information for the purpose of the activities described in these Regulations.

J. School systems must not release information from education records to any persons or participating agencies without formal parental approval unless the disclosure is consistent with all applicable Federal statutes.

K. School systems must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

1. One person designated by the school system must assume responsibility for ensuring the confidentiality of any personally identifiable information.

2. All persons collecting or using personally identifiable information must receive training or instruction regarding the policies and procedures set forth in this subpart.

3. School systems must maintain, for public inspection, a current listing of the names and positions of the employees who may have access to personally identifiable information.

L. School systems must inform parents when personally identifiable information collected, maintained, or used under these Regulations is no longer needed to provide educational services to the child. Subsequent to informing the parents that such information is no longer needed, information may be destroyed; moreover, it must be destroyed if so requested by the parent. However, a permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

M. Information contained in the IEP or individual evaluation must not be available to the public and must be available to the authorized employees in need of such information in connection with the responsibilities established by these Regulations consistent with the requirements of the subpart and existing Federal and State laws governing such information.

N. The provisions of this subpart expressly extend to any records or other information collected or maintained by any agency, organization, or person.

§507. Surrogate Parents

A. A school system shall assign a surrogate parent whenever it determines that one of the following situations exists:

1. That the child is a ward of the State (including a ward of the court or of a State agency).

2. That it is unable to locate a natural parent or legal guardian by calls, visits, and by sending a letter by certified mail (return receipt requested) to the last known address of the natural parent or the legal guardian and allowing 20 operational days for a response of the intention to appoint a surrogate parent.

B. A person with whom the child is residing, who is not the natural parent nor the legal guardian but who is acting as the parent of that child, and is qualified as a parent as defined in these Regulations, may be appointed by the school system as a surrogate parent if that person meets the criteria for being a surrogate parent.

C. A surrogate parent shall represent the child in all matters relating to the identification, individual evaluation, and educational placement of the child and the provision of a free, appropriate public education including being present at an individual evaluation interpretation meeting, IEP/Placement meeting and annual review meetings, and at any hearing concerning the child.

D. A method for determining whether a child needs a surrogate parent and for assigning a surrogate parent must be developed and implemented by each school system in a manner which ensures that:

1. A person assigned as a surrogate parent has no interest that conflicts with the interests of the child and is not a present employee of any state or state supported agency involved in the education or care of the child.

2. The person assigned has knowledge and skills that insure adequate representation of the child.

3. All surrogate parents who cease to carry out the responsibilities or no longer meet the criteria of eligibility specified in B above are removed from eligibility.

E. Payment of fees for service as a surrogate parent does not, in and of itself, render a person an employee.

F. Any person appointed as a surrogate parent is protected by the "limited liability" of R.S. 17:1958.

G. Disagreement about the choice of a surrogate parent may be the subject of a due process hearing as described in this Part.

§508. Conciliation

Whenever a parent has a complaint regarding identification, evaluation, and the provision of a free, appropriate public education, school systems shall make all reasonable efforts consistent with their obligations under these Regulations to resolve informally any ongoing dispute between the parent and the school system. However, parents may file a formal complaint with the Office of Special Educational Services at any time.

§509. Initiation of Hearings

A. A school system or a parent of an exceptional child or a child suspected of being an exceptional child may initiate a hearing whenever a school system:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

COMMENT:

This section does not apply to the denial or withdrawal of formal parental approval.

B. A school system initiates a hearing by providing full and effective notice of its intent to initiate a hearing to the parent and to any affected public or nonpublic school personnel. Full and effective notice of a hearing shall include all of the following:

1. A statement of the date, time, place, and nature of the hearing;

2. A statement of legal authority and jurisdiction under which the hearing is to be held;

3. A reference to the particular sections of the statutes or regulations over which the dispute originated; and

4. A short and clear statement of matters asserted.

C. A parent initiates a hearing by sending a written request to the parish supervisor.

D. A school system shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

1. The parent requests the information.

2. The parent or the school system initiates a hearing under this section.

§510. Hearing Officer Appointment and Designation

A. Appointment of Hearing Officers

The Department shall maintain a separate list of at least three qualified hearing officers for each State planning region. Before placing the name of any person on any such list, the Department must ensure that the person has successfully completed an inservice training program approved by the Department. Additional inservice training shall be provided by the Department whenever warranted by changes in applicable legal standards or educational practices.

1. Hearing officers must be impartial persons knowledgeable about the legal and educational issues involved in assessing compliance with these Regulations.

a. The Department must annually review the activities of persons on the list and must remove persons from the list if they leave the State, decline to participate actively in the hearing process, cease to be impartial, or do not carry out their responsibilities in a satisfactory fashion.

b. No person who has a personal or professional interest which would conflict with his or her objectivity may be appointed to serve as hearing officer.

2. Appointments will be for a period of three years and may be renewed.

B. Hearing Officer Designation

1. A proposed hearing officer must be selected by the parish supervisor, within one operational day of receipt of a request for a hearing, from the list for the region in which the school system is located or an adjacent region.

2. After selecting a proposed hearing officer, the parish supervisor must, within three operational days, give the parent(s) full and effective notice of the name of the proposed hearing officer.

3. The parent may, upon receiving notice of the proposed hearing officer and at the parent's discretion, automatically disqualify (available only once) the person proposed by the parish supervisor or request that staff of the Office determine whether the person so designated is impartial. The parent must notify the parish supervisor of such a decision within five operational days after receiving notice of the name of the proposed hearing officer.

4. The Office shall review any written challenge regarding the impartiality of a proposed hearing officer, and:

   a. Provide a written decision within five operational days after receipt of the written challenge.

   b. Provide full and effective notice of this decision to the parent and parish supervisor within three operational days after completion of the review.

   c. If the Office determines that doubt exists as to whether the proposed hearing officer is truly impartial, a new proposed hearing officer must be immediately selected by the parish supervisor.

5. If the parent chooses to automatically disqualify the proposed hearing officer (available only once) either directly or following a decision by staff of the Office, the parish supervisor, must within three operational days, select another person from the relevant lists to serve as a hearing officer. The person so selected shall serve in the capacity

unless the parent successfully demonstrates to the staff of the Office that the person so selected is not impartial, whereupon the parish supervisor must select another person from the relevant lists.

6. Final designation of a hearing officer occurs when a proposed hearing officer is selected by the parish supervisor and the parent fails to notify the parish supervisor of a decision to challenge the impartiality of the proposed hearing officer, or of a decision to automatically disqualify the proposed hearing officer (available only once), or when the Office determines that no doubt exists as to the impartiality of a proposed hearing officer.

§511. Hearing Procedures

A. A hearing must be conducted by the school system at a time and place that is reasonably convenient to the parents and the child.

B. A hearing shall be conducted in accordance with guidelines developed by the Department with approval of the State Board.

C. Parties to a hearing have the following rights:

1. To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of exceptional children.

2. To present evidence and confront, cross-examine, and compel the attendance of witnesses.

3. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five operational days before the hearing.

4. To obtain a written or electronic verbatim record of the hearing.

5. To obtain written findings of fact and decisions.

D. Parents involved in hearings must be given the following rights:

1. To have the child who is the subject of the hearing present.

2. To open the hearing to the public.

E. Affected public and nonpublic school personnel shall have the following rights:

1. To receive a proper notice.

2. To submit a written statement.

3. To appear at the hearing.

4. To present a brief oral statement.

F. The hearing decision must be reached and a copy of the decision mailed to each party and the Department not later than 45 calendar days after the final appointment of a hearing officer unless a specific extension of time, requested by a party, is granted by the hearing officer for good cause. When an extension is granted, the hearing officer shall reach his decision and mail copies to the parties and the Department not later than 10 operational days from the termination of the hearing. In each circumstance the Department shall delete any personally identifiable information in the findings and decisions and transmit those to the State Advisory Council.

G. A decision made in the hearing is final unless an appeal is taken by either party or the Review Panel initiates a review in accordance with §513.D.

H. The independent hearing officer has the right to subpoena indispensable persons to appear before him/her at the hearing as requested by the parties to the hearing.

§512. Costs

A. School systems must, upon request, reimburse any affected public school personnel for the reasonable expenses related to participation in a hearing required under this Part (according to school system policy) and for furnishing legal counsel.

B. In addition, Special School District Number 1 and State Board Special Schools must, upon request, reimburse parents for reasonable travel expenses (according to State reimbursement rates) reasonably related to participation in a hearing required under this Part.

§513. Review of Hearing Decisions

A. Any party to a hearing may appeal within 15 operational days after receipt of the hearing decision by request-

ing a formal review of the decision by the Review Panel.

B. A written request for review must be sent by the party seeking review by certified mail to the Office. A copy of the request must also be sent to all other parties and the hearing officer.

C. The written request must state the basis upon which the review is requested.

D. The Review Panel may on its own authority initiate a review of any hearing decision. In such instance, it must provide full and effective notice to the parents(s), the affected school system, and the hearing officer.

§514. Appointment of Review Panel

A. Upon receiving a formal written request for a review, the Office shall within 10 operational days notify the Review Panel to evaluate the hearing decisions, the hearing record, and other appropriate information.

B. The Review Panel will include three persons and one alternate who are all presently serving as IHOs. All panel members will be knowledgeable about the educational and legal issues involved. Appointments will be for a period of one year and may be renewed.

C. A decision by two review officers on the panel reviewing a particular appeal will be controlling as to the panel's ruling on that appeal.

D. No person may serve on the panel reviewing an appeal if the person has a personal or professional interest that would conflict with his objectivity. A review officer shall not serve on the panel reviewing an appeal that involves a local school system by which the officer is employed.

§515. Conduct of Review

A. The review and written findings and decision shall be completed within 30 calendar days from the date a review panel receives the hearing record and decision.

B. In conducting the review, the panel shall perform the following:

1. Examine the entire hearing record:

a. To ensure that procedures were consistent with the requirements of due process,

b. To determine if there are facts to support the hearing decision, and

c. To ensure that the decision made by the hearing officer was within the authority of the hearing officer.

2. Seek any additional evidence necessary.

3. Afford the opportunity for oral and/or written argument by the parties at the discretion of the reviewing panel. Any written argument(s) shall be submitted to all parties.

C. All parties have the right to continue to be represented by counsel at the State administrative review level, whether or not the reviewing panel determines that a further hearing is necessary.

§516. Review Decision

A. Based upon the conduct of the review, the review panel may decide:

1. To affirm the hearing decision,

2. To overrule the hearing decision and enter a new decision, or

3. To order the initiation of a new hearing.

B. Within 30 operational days from receipt of the hearing record, the Review Panel will issue a formal written review decision which either affirms the decision, overrules the hearing decision and substitutes a decision approved by the Review Panel, or orders the initiation of a new hearing.

C. The Office shall distribute a copy of the written findings and decision to the parties and to the State Board.

§517. Appeal

The decision made by the Review Panel shall be final unless a party brings a civil action within 30 operational days of the decision.

§518. Child's Status During Proceedings

A. During the pendency of any hearing procedure, review, or judicial proceeding, unless the school system and the parents of the child agree otherwise, the child enrolled in the proceedings must remain in his or her present educational placement.

COMMENT:

If the exceptional child is currently voluntarily enrolled as defined in these Regulations, the school system is not responsible for programmatic or fiscal maintenance of that voluntary placement.

B. If the hearing procedure, review, or judicial proceeding involves an application for initial admission to any school system, the child, with formal parental approval, must be placed in the public school program of the school system responsible for the placement until the completion of all the proceedings.

§519. Intimidation and Coercion

No school system, approved nonpublic school program or other agency to which these Regulations are applicable shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege protected by these Regulations, the appropriate State statutes, or any Federal statute or regulation relating to the education or civil rights of exceptional children, because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to these Regulations.

§520. Confidentiality of Complainants

The identity of complainants must be kept confidential except to the extent necessary to carry out the purposes of this Part including the conduct of any investigation, hearing, or judicial proceeding.

§521-599. Reserved

PART 600. ESTABLISHMENT AND OPERATION OF SPECIAL SCHOOL DISTRICT NUMBER 1

§601. Establishment of Special School District Number 1

Special School District Number 1 (SSD#1) is an intermediate educational unit administered by the Louisiana Department of Education with the approval of its governing authority. Special School District Number 1 is neither a regional nor a state center within the meaning of 45 CFR 121a 360 (a) (5).

§602. Program Approval

Each educational program operated by SSD#1 shall meet the Standards for Approval of Special Schools.

§603. Purpose

The purpose of SSD#1 is to provide a free, appropriate public education for eligible exceptional children, ages 3 through 21 years, who have been admitted to State operated programs for treatment, habilitation, and care or who have been placed by court order. During this period SSD#1 assumes responsibility for special education on an individual basis for each child and assures that the child receives an uninterrupted program of special education and related services from admission to discharge. As a result the city/parish school system of the domicile of the child is relieved of its direct service responsibilities while the child is enrolled in SSD#1.

§604-629. Reserved.

§630. General Responsibilities

A. Whenever an exceptional child enters the jurisdiction of SSD#1 consistent with the requirements of these Regulations, SSD#1 shall be responsible for either providing or causing to be provided, all needed special education and related services to each such exceptional child in full compliance with all provisions of Part 400 of these Regulations, including:

1. An educational representative to serve on each Regional Review Committee of the Department of

Health and Human Resources to ensure that the educational needs of each child referred to the Committee will be considered in the admission decision.

2. The necessary certified personnel to ensure the conduct of an Individual Evaluation for each child within its jurisdiction in accordance with all requirements of §430-436 of these Regulations.

3. The development and implementation of an IEP for each child within its jurisdiction in accordance with §440-459 of these Regulations.

4. Adequate personnel to establish and maintain the appropriate relationships with each affected city/parish school system to provide for a smooth transition of educational services for each child discharged from an SSD#1 school.

5. The transmission of all educational records on a child discharged from an SSD#1 school to the city/parish school system in which the exceptional child will be residing to assist in the IEP/Placement meeting.

6. Approval of each out-of-district educational placement not covered by an interagency agreement.

7. The adherence to all procedural safeguards of Part 500.

B. The assumption of this responsibility by SSD#1 shall not relieve in any way an insurer, similar third party, or State or local public agency, e.g., Department of Health and Human Resources (DHHR), Department of Corrections (DOC), from an otherwise valid obligation to provide or to pay for services to which exceptional children are entitled as clients or beneficiaries of such third parties under State or Federal entitlement or laws, or under policies or contracts.

§631. Jurisdiction

SSD#1 has jurisdiction over all exceptional students admitted to State operated residential facilities and each child placed by SSD#1 in another school system. When a child is no longer residing within a State operated facility, jurisdiction is transferred from SSD#1 to the school system of current residence of the child.

§632. Enrollment

A. A child shall be enrolled in an SSD#1 school after admission to a State operated residential facility and the receipt by the appropriate SSD#1 school of a written notice of referral from the Regional Review Committee and a copy of the child's current individual evaluation and IEP. This entire process shall not exceed 30 operational days.

B. If a child admitted to a State operated residential facility has not been identified as being exceptional, enrollment in SSD#1 will occur upon completion of an individual evaluation and the development of an IEP in accordance with the requirements and timelines in §430-436 and 440-459 of these Regulations.

C. SSD#1 shall develop with each affected agency an interagency agreement for the purpose of implementing the above enrollment requirements which shall include procedures for the joint development of each IEP, and treatment, care, or habilitation plan.

D. Placement in a State operated residential facility does not require that all educational services described in the IEP of the child must be provided within the facility. Wherever possible, consistent with the rules for the least restrictive environment, children enrolled in SSD#1 must participate in educational programs operated by city/parish school systems serving the geographic attendance area in which the facility is located.

§633. Discharge from Treatment, Care, and Habilitation

If an exceptional child is being considered for discharge from a State operated residential facility, SSD#1 shall notify the city/parish school system in which the eligible exceptional child will be residing, of the return of the child. Before the exceptional child is discharged, SSD#1 shall provide educational records to the affected city/parish school system and shall participate in the IEP/Placement meeting conducted by the city/parish school system either by sending a representative to the meeting or by a conference call.

§634. Emergency and Respite Care Program

The admission of an exceptional child by the State of Louisiana for a temporary program of respite care shall

not automatically require enrollment in SSD#1 for purposes of these Regulations. The admission of an exceptional child on an emergency basis shall not constitute enrollment in SSD#1. However, if such admission continues on a nonemergency basis after a decision by the legally constituted agency (i.e., DHHR or DOC) or by a court of the State of Louisiana to place the child in a State operated residential facility, the child must be admitted and enrolled in SSD#1 in accordance with §632 of these Regulations.

§635-649. Reserved.

§650. Financing

A. The Department shall provide to SSD#1 whatever financial resources are necessary to support the educational programs of SSD#1.

B. Each city/parish school system shall reimburse SSD#1 for each exceptional child whose parents or guardians are domiciled in said parish or city school system a sum not to exceed the amount of the local average per pupil expenditure in the previous year for exceptional children receiving special education and related services in that system. (R.S. 17:1951).

C. Services provided to exceptional children enrolled in SSD#1 from sources other than school systems or the Department are presumed to be for related services (including those described in the IEP, if an interagency agreement so provides) and treatment aspects of the total residential care program of the facility in which the education program is conducted.

D. The cost of special education teachers, teacher aides, principals, speech therapists, pupil appraisal personnel, and other instructional support staff for the educational programs operated by SSD#1 shall be included in the State Equalization Fund Minimum Foundation Program for Public Education. SSD#1 may from time to time enter into contracts for the delivery of educational services with school systems in whose jurisdiction residential facilities are located. School systems must participate in such contractual arrangements unless the State Board approves the request by a school system for exemption from this obligation.

§651-684. Reserved.

§685. Use of P.L. 89-313 Funds

A. If a handicapped child is receiving services from more than one State agency, SSD#1 shall count each handicapped child in the application for P.L. 89-313.

B. The entire amount of P.L. 89-313 funds generated by a child need not be spent on that child by SSD#1 as long as some of the funds are used to meet the individual special education needs. The remaining funds may be spent on other handicapped children who are enrolled in the SSD#1 school in which the child is located and who were not counted in computing the grant of P.L. 89-313 funds.

C. P.L. 89-313 funds may not be used by SSD#1 to pay for the entire cost of the educational program for handicapped children.

D. SSD#1 may not use P.L. 89-313 funds for the payment of tuition or fees.

E. The application for P.L. 89-313 must be submitted on forms issued by the Department and must contain any requests which SSD#1 intends to make for such funds. The application must include procedures and assurances necessary for receipt of such Federal funds for the provision of special education and related services.

§686-689. Reserved.

§690. Instruction for Child Count

A. A handicapped child who is counted in average daily attendance for the purpose of computing a grant under the Program for Neglected or Delinquent Children (45 CFR 116 c) may not be counted in computing a grant under P.L. 89-313.

B. A handicapped child who is counted for the purpose of computing a grant under P.L. 94-142 may not be counted in computing a grant under P.L. 89-313.

§691. Individual Evaluation

Individual evaluations in SSD#1 schools shall be conducted to comply with all requirements of §430-436 of these Regulations.

§692. IEP and Placement Development and Review

IEP and placement of students enrolled in SSD#1 schools shall be developed and implemented in accordance with §440-446 of these Regulations.

§693. Procedural Safeguards

Children and parents of exceptional children enrolled in SSD#1 shall be provided the procedural safeguards in accordance with Part 500 of these Regulations.

§694. Participation in Regional Review

A. SSD#1 shall provide representation for the Department on DHHR operated Regional Review Committees in each of the eight state planning regions. The SSD#1 representative shall be responsible for ensuring that adequate consideration is given to the appropriate educational services available in any placement recommendation made by the DHHR committee for the purpose of treatment and care.

B. The SSD#1 representative will act as a liaison between the educational agency currently or most recently serving the child and the school system which will serve the child in the proposed placement.

1. The SSD#1 representative will ensure that necessary educational information including a current individual evaluation and IEP, where it exists, is available on each child referred for review and placement to the Regional Review Committee.

2. When a recommendation for placement through the Regional Review Committee is made, the SSD#1 representative will facilitate the implementation of appropriate educational services by a school system at the proposed placement site. The services provided by the representative shall include the transmission and interpretation of case records, technical assistance, and liaison services with the receiving school system.

3. When a child will be returned to a city/parish school system, or when a transition from one residential placement to another is planned, the SSD#1 regional representative shall provide liaison services between the two school systems or between SSD#1 educational programs.

§695. Monitoring and Complaint Management

Special School District #1 shall develop an internal monitoring and complaint management system.

§696-699. Reserved.

PART 700. RESPONSIBILITIES OF STATE BOARD SPECIAL SCHOOLS AND NONPUBLIC SCHOOLS

STATE BOARD SPECIAL SCHOOLS

§701. Establishment

The State Board Special Schools (Louisiana School for the Deaf, Louisiana School for the Visually Impaired, and Louisiana Special Education Center) are State operated schools providing educational programs and services for exceptional students. These schools are administered by and under the supervision and control of the State Boards The State Board Special Schools are neither a regional nor a State center within the meaning of 45 CFR 121 a 360 (a).

§702. School Approval

Each State Board Special School shall meet the Standards for School Approval of the State Board.

§703. Purpose

State Board Special Schools are designated to provide a free, appropriate public education for low incidence handicapped children who meet the criteria for admission (i.e., deaf, blind, orthopedically handicapped) for each such special school and are enrolled in such special school on a residential basis. The quality of education shall be equal to that received by any other similarly handicapped child in the city/parish school systems of the State of Louisiana.

§704. Administrative Organization

The State Board is the governing board of the State Board Special Schools. The State Board administers such special schools through the schools' appointed superintendents. The superintendent of each special school shall administer the special school for which he/she is responsible in compliance with approved State Board policies and procedures, these Regulations, and other applicable Bulletins.

§705. General Responsibilities

A. Whenever a handicapped child enters the State Board Special School in compliance with the requirements of these Regulations, the State Board Special School shall be responsible for either providing, or causing to be provided, a free, appropriate public education.

B. State Board Special Schools shall, upon admitting a handicapped child, assume the responsibility for providing each child a free, appropriate public education in full compliance with all provisions of Part 400 of these Regulations, including those related to child search, evaluation, IEP development and implementation, and placement of exceptional children; the provision of special education and related services; adherence to procedural safeguards; and certification of staff.

§706. Jurisdiction

All handicapped children admitted into and residing in State Board Special Schools shall be under the jurisdiction of the State Board Special School. Handicapped children referred by a school system and admitted as full-time students to participate in the academic and nonacademic programs to the extent necessary to meet the individual needs of the child with the exception of residential services because of the proximity of residence of parents and/or other residential arrangements shall also be under the jurisdiction of State Board Special Schools. Each handicapped student, under the jurisdiction of the State Board Special School, but placed in an educational program or receiving services in a city/parish school system, remains under the jurisdiction of the State Board Special School. The school system which retains jurisdiction retains the fiscal responsibility for funds or resources not available to the other system from the State or through an interagency agreement or cooperative program.

§707. Enrollment (Admission and Release)

A. Admission

1. Eligible handicapped children shall be admitted to State Board Special Schools according to admission procedures established by the State Board Special School, approved by the State Board, and in compliance with these Regulations.

2. Handicapped children shall not be admitted to a State Board Special School unless such handicapped children are referred by a city/parish school system in compliance with the provisions of §440 and §446.D. (2).

B. Release

1. Handicapped children admitted to State Board Special Schools shall be released from enrollment according to procedures established by the State Board Special School, approved by the State Board, in compliance with these Regulations.

2. Handicapped children currently enrolled in State Board Special Schools shall not be referred to a city/parish school system without a review of the current IEP/Placement (in compliance with §456) being conducted by the State Board Special School.

C. State Board Special Schools may enter into interagency agreements with Special School District Number 1 for cooperative supportive efforts in the provision of services, such as child search, evaluation, coordination, or with regional review personnel to act with city/parish school systems on matters of admission or release.

D. Admission to a State Board Special School does not necessarily mean that all educational services described in the IEP of the child must be provided within such facility. Wherever appropriate, consistent with the rules for a least restrictive environment in §448, children admitted to State Board Special School programs must participate in educational programs operated by city/parish school systems serving the geographic attendance area in which the facility is located.

E. Admission to a State Board Special School shall not relieve in any way an insurer, similar third party, or other State or local public agency (e.g., DHHR, DOC) from an otherwise valid obligation either to provide or to pay for services to which handicapped children are entitled as clients or beneficiaries of such third parties under State or Federal entitlement or laws, or under policies or contracts.

§708. Financing

State Board Special Schools apply for State funds by submitting annual budgets approved by the State Board

to the Louisiana Legislature. Such budgets indicate Federal and State sources of revenue. Each State Board Special School has its own schedule number in the annual appropriation bill.

§709. Child Search Activities

State Board Special Schools shall cooperate sufficiently with each school system in which the parents of an exceptional child enrolled in the State Board Special School are domiciled to permit the school system to carry out its ongoing responsibility with respect to child search when a child is in a State Board Special School.

§710. Use of P.L. 89-313 Funds

A. If a handicapped child is enrolled in the educational program of a State Board Special School and is receiving services from more than one State agency, the State Board Special School shall count the handicapped child in the application for P.L. 89-313 funds.

B. The entire amount of P.L. 89-313 funds generated by a handicapped child need not be spent on that child by the State Board Special School as long as some of the funds are used to meet the individual special education needs of that child. The remaining funds may be spent on other handicapped children who are enrolled in the State Board Special School in which the child is located provided that such children were not counted in computing the grant of P.L. 89-313 funds.

C. P.L. 89-313 funds may not be used by the State Board Special School to pay for the entire educational program for handicapped children.

D. State Board Special Schools may not use P.L. 89-313 funds for the payment of tuition or fees.

E. The application for P.L. 89-313 funds must be submitted on forms issued by the Department and must contain any request which the State Board Special School intends to make for such funds. The application must include procedures and assurances necessary for receipt of such Federal funds for the provision of special education and related services.

§711. Instructions for Child Count

A. A handicapped child who is counted for the purpose of computing a grant under P.L. 94-142 Flow-Through funds may not be counted in computing a grant under P.L. 89-313.

B. A handicapped child who is counted in computing a grant under P.L. 89-313 shall not be counted for the purpose of computing a grant under P.L. 94-142.

§712. Individual Evaluation

Individual evaluations in State Board Special Schools shall be conducted in compliance with all requirements of §430-436 of these Regulations.

§713. IEP/Placement

IEP/Placement of students enrolled in a State Board Special School shall be reviewed or revised and implemented in accordance with §440-459 of these Regulations.

§714. Procedural Safeguards

Handicapped children and parents of handicapped children enrolled in a State Board Special School shall be afforded all the procedural safeguards provided by Part 500 of these Regulations.

§715. Monitoring and Complaint Management

The State Board Special Schools shall develop an internal monitoring and complaint management system.

§716-749. Reserved.

APPROVED NONPUBLIC SCHOOLS

§750. Applicability

In order to be approved, all nonpublic schools providing special education and related services to exceptional children, including those schools which have boarding or residential services, must meet the requirements of these Regulations and other standards of the State Board applicable to nonpublic schools, regular or special.

§751. Placement

Exceptional children shall be placed in an approved nonpublic school or special school only in accordance with placement procedures in Part 400 of these Regulations.

§752. Joint Responsibility

When an exceptional child is enrolled and has been placed for the provision of special education and related services in an approved nonpublic school by a school system, the receiving approved nonpublic school and the placing school system assume joint responsibility. This joint responsibility is for providing a free, appropriate public education in full compliance with all provisions of Part 400 of these Regulations. Any noncompliance of the approved nonpublic school is also noncompliance of the placing school system.

§753. Tuition

When an exceptional child is placed by a school system in an approved nonpublic school, there shall be no tuition charged to the parent(s) by the nonpublic school for services listed on the IEP.

§754. Child Search Coordination

Approved nonpublic schools must provide to school systems whatever assistance is needed to implement fully the child search requirements of §410 and 414 of these Regulations.

§755. Administrative Matters

Approved nonpublic school programs to which this Part is applicable, must be consistent with the requirements of Part 400 of these Regulations, must prepare and submit an annual school report or an annual special school report, conduct a comprehensive self-evaluation in accordance with Section 504 of P.L. 93-112, and ensure nondiscrimination on the basis of handicap (504 Assurance).

§756. Access to Records

Each approved nonpublic school shall permit access by the staff of the Department during normal business hours to any sources of information determined by the Department as necessary to assure compliance with these Regulations and applicable standards of the State Board.

§757-799. Reserved.

PART 800. INTERAGENCY AGREEMENTS

§801. General Statement

Each school system and the Department shall develop and formally enter into all interagency agreements called for by these Regulations including §270 and 494 of these Regulations in compliance with the requirements specified in this Part.

§802-809. Reserved.

§810. Relationship Between School Systems and the Department

The relationship between the Department and the school systems is defined by these Regulations in regard to providing a free, appropriate public education to exceptional children. Interagency agreements are not necessary to define such relationships.

§811-819. Reserved.

§820. Purpose of Interagency Agreements

A. The State Board on behalf of the State is required to assure that standards established to ensure a free, appropriate public education for exceptional children are provided. When parts of those standards must be implemented by approved public or nonpublic agencies not within the governance of the State Board, it is necessary for the State Board to establish the provisions for a free, appropriate public education through such interagency agreements.

B. Interagency agreements also implement the statutory mandate to provide maximal human and fiscal resources in the delivery of special education and related services.

C. Interagency agreements also serve the purpose of coordinating agency budgeting and clarifying "first dollar" responsibilities.

§821-829. Reserved.

§830. Types of Interagency Agreements

A. The following are examples of agencies that may enter into interagency agreements between and among one another as necessary to carry out these Regulations:

1. The State Department (SSD#1 included) and another State agency

2. The State Department of Education, a city/parish school system, and a Nonpublic Provider (Tri-Party)

3. A city/parish school system and a State agency subdivision defined for service delivery

4. A city/parish school system and a licensed and approved nonpublic habilitation agency

5. A city/parish school system and a licensed and approved nonpublic education and habilitation agency

6. A city/parish school system and another city/parish school system (cooperative services)

7. State Board Special Schools and other State agencies

8. State Board Special Schools and a city/parish school system (cooperative services)

9. State Board Special Schools and licensed nonpublic habilitation agencies

10. State Board Special Schools and a licensed and approved nonpublic education and habilitation agency

B. Interagency agreements may be entered into with parties outside the State if necessary to ensure a free, appropriate public education and in compliance with these Regulations (with special consideration given to the need for a least restrictive environment as set forth in §443).

§831-839. Reserved.

§840. Mandatory Content of Interagency Agreements

A. Each agreement shall contain in writing the following information:

1. A statement of the disparate governances being dealt with by the parties

2. The reasons for the agreement

3. The specific responsibilities including funding of each agency included and the methods for carrying out the specified responsibilities

4. All applicable State standards binding either/or both parties and those that will apply in the agreement

5. Methods for data exchange

6. Statements regarding Child Search and Confidentiality

7. Monitoring schedule and procedures

8. Duration of the agreement

9. Process for amending the agreement

B. In addition, each agreement shall contain any information specific to an agency and necessary for approval of the agreement under the guidelines for Interagency Agreements Approval referred to in §860.

C. Each such agreement shall contain the titles and signatures of individuals authorized to enter into such an agreement.

§841-849. Reserved.

§850. Mandatory Agreements

A. The Department and SSD#1 shall have interagency agreements with each of the following:

1. The Department of Health and Human Resources and its subdivisions.

2. The Department of Corrections and its subdivisions.

B. City/parish school systems shall have current agreements whenever necessary for the provision of a free, appropriate public education with the following:

1. Mental Health Centers

2. Maternal and Child Health and Handicapped Children Services.

3. Public Health Units

4. Early and Periodic Screening, Diagnosis, and Treatment Programs

5. Title XX Providers

6. Special School District Number 1 (cooperative agreement)

7. State Board Special Schools (cooperative agreement)

8. Intermediate Care Facilities (cooperative agreement)

9. Long Term Care Facilities (cooperative agreement)

10. Other Approved Nonpublic Agencies (cooperative agreement)

11. Other local city/parish systems (cooperative agreement)

C. State Board Special Schools shall have current interagency agreements with the following:

1. The city/parish school system in whose geographic area they are located

2. Each city/parish school system which places a child in the State Board Special School day programs

3. State agencies

a. The Department of Health and Human Resources and its subdivisions

b. Special School District Number 1

c. Regional offices of State agencies

4. An approved and licensed nonpublic education and habilitation agency

5. A licensed nonpublic habilitation agency with whom they share clients

§851-859. Reserved.

§860. Review and Approval of Interagency Agreements

A. The Department shall issue, with approval of the State Board, guidelines for approval of interagency agreements. The Department, through the Office, shall review and approve all agreements entered into by school systems in accordance with these Regulations.

B. These guidelines shall include:

1. General requirements including those found in §840 of this Part.

2. Specific requirements of an agency, when necessary.

3. The procedures for submission (including required format), for review, and for approval.

§861-899. Reserved.

PART 900. DEFINITIONS

§901. General

The terms defined in §902-999 of this Part are used throughout these Regulations. Unless expressly provided to the contrary, each term used in these Regulations shall have the meaning established by this Part.

§902. Abbreviations/Acronyms used in these Regulations:

DHHR - Department of Health and Human Resources

EHA - Part B of the Education of the Handicapped Act as amended by the Education for All Handicapped Children Act of 1975 (P.L. 94-142), 20 USC 1411-1420, and the Regulations issued by the U.S. Department of Education at 45 CFR 300b. 121a

FAPE - Free Appropriate Public Education

IEP - The Individualized Education Program required by §441 of these Regulations

LEA - Local Education Agency

LRE - Least Restrictive Environment

P.L. 89-313 - Section 121 of Title I of the Elementary and Secondary Education Act of 1965 which provides for financial assistance for state operated programs for handicapped children

P.L. 94-142 - Amendments to Part B of the Education of the Handicapped Act (as required by the Education for all Handicapped Children Act of 1975)

Section 504 - Section 504 of the Rehabilitation Act of 1973, 29 USC 706 and the Regulation issued by the U.S. Department of Education at 45 CFR 84

SSD#1 - Special School District Number One

§903. Abbreviated Terms

The Act - Sections 1941 through 1958 of Chapter 8 of Title 17 of Louisiana Statutes of 1950, as amended

The Department - The Louisiana Department of Education

The Department of Corrections - The Louisiana Department of Corrections

The Office - The Office of Special Educational Services of the Louisiana Department of Education

The State - The State of Louisiana

The State Board - The State Board of Elementary and Secondary Education

The State Board Special Schools - The Louisiana Special Education Center at Alexandria and the Northeast Louisiana Special Education Center; The Louisiana School for the Deaf; The Louisiana School for the Visually Impaired

The Superintendent - The Superintendent of Public Elementary and Secondary Education of the State of Louisiana

§904-909. Reserved.

§910. Adapted physical education is specially designed physical education for those exceptional students for whom significant deficits in the psychomotor domain have been identified according to Bulletin 1508, and who, if school aged, are unable to participate in regular physical education programs on a full-time basis.

§911. An adapted physical education class is an alternative setting for delivery of adapted physical education required by an IEP in which all of the following conditions exist:

1. Instruction is provided by a certified adapted physical education teacher. Consultative and evaluative services may be provided in addition to case loads indicated below.

2. Only exceptional children are enrolled whose need is documented in accordance with criteria for par-

ticipation in adapted physical education established by the Department.

3. Enrollment is in accordance with the pupil/teacher ratios listed in Appendix I, Part B.

4. In cases of mixed grouping, the lower caseload level as listed shall be used when the majority of the membership is in that lower caseload level. However, the instructional groups shall not be mixed by level of severity in the same class.

§912. Affected school personnel means individuals who are involved in the delivery of services relevant to the specific disagreement(s) which are the subject of the hearing. Such individuals may be called by parties to the hearing, the hearing officer, or they may exercise their rights under §511.E.

§913. Approved nonpublic school program means an educational program which is for exceptional children and is operated by a private person, agency, or organization. Such a program meets the educational standards established by the State Board.

§914. Audiological services mean:

1. The identification of children with hearing loss.

2. The determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing.

3. The provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation.

4. The creation and administration of programs for prevention of hearing loss.

5. The counseling and guidance of pupils, parents, and teachers regarding hearing loss.

6. The determination of the child's needs for group and individual amplification, monitoring hearing aids and auditory training units, and evaluating of the effectiveness of amplification.

§915. Autism is a severe developmental disability which appears during the first three years of life and which is behaviorally defined to include disturbances in the

rate of appearance and sequencing of developmental milestones, abnormal responses to sensations, delayed or absent speech and language (while specific thinking capabilities may be present), and abnormal ways of relating to people and things.

§916. Behavior disordered is a pattern of situationally inappropriate interpersonal or intrapersonal behavior which is exhibited over an extended period of time and to a significant degree, and which cannot be explained by intellectual, sensory, neurological, or general health factors. The term never includes children who are autistic; it may include children who are socially maladjusted if it is determined that they are also behavior disordered.

§917. Blind is a central visual acuity of 20/200 or less in the better eye with correction or a peripheral field of vision so contracted that its widest diameter is less than 20 degrees.

§918. Calendar days means all days of the week, including weekends and holidays.

§919. Certified IEP time unit means that specific period of time set aside for special education and related services under an approved individualized education program.

§920. Child search coordinator means the school system employee meeting the certification requirements who is responsible for the child search and child identification activities including that of locating the child.

§921. Combination self-contained and resource classroom is an alternative setting in which the same teacher provides special education instruction for students receiving self-contained services (more than three hours per day) and for students receiving resource services (three hours or less per day).

1. This option is limited to use with students classified as hearing impaired or visually impaired or severe language disordered or those students who may be served in a generic mild/moderate classroom.

2. Instruction must be provided by a teacher certified in accordance with Bulletin 746 and/or other Department policy interpretation regarding certification.

3. The pupil/teacher ratio is bound by the ratios specified in Appendix I, Part B., I.C.

4. Instruction is provided for not more than 12 exceptional children for any one hour of certified IEP time units.

§922. Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or otherwise qualified personnel.

§923. Deaf is a severe hearing impairment with an unaided pure tone average of 500, 1000, 2000 Hz in the better ear of 70db (ANSI) or more and which results in a deficit in processing linguistic information through hearing, with or without amplification.

§924. Deaf-blind is concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that these pupils cannot be accommodated in special education programs solely for deaf or for blind children.

§925. Educationally handicapped (slow learning) is a rate of acquisition and/or degree of retention of information or educational skills significantly slower than the rate expected for children of the same age. This definition applies only to those students classified as educationally handicapped/slow learner prior to July 28, 1983.

§926. Education records means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include those educational records listed in 45 CFR 99.3.

COMMENT: The definition at 99.3 has an extensive list of what is not included in educational records. The reader is referred to 45 CFR 99.3 for the full text.

§927. Emotionally disturbed is a serious pattern of behavior which enables a child to be classified as behavior disordered and which is so severe as to require special education services for the full school day or longer and for which extended individual therapy/counseling or other related services are needed. The term includes children who are schizophrenic.

§928. Evaluation coordinator is the pupil appraisal person who, in addition to serving as an examiner in the individual evaluation, is assigned the responsibilities described in §433 for a particular child.

§929. Exceptional child is a child who is evaluated in accordance with §430-436 of these Regulations and is determined according to Bulletin 1508 to have an exceptionality which adversely affects educational performance to the extent that special education is needed.

§930. Exceptionality is any one of the characteristic impairments or conditions, as defined in Bulletin 1508, which adversely affect the child's educational performance to the extent that the child needs special education.

§931. Generic Class is an instructional setting (self-contained resource) is which--

1. In accordance with the degree of impairment, exceptional children may be placed as follows:

   a. Mild/moderate class consisting of mildly to moderately impaired who are mentally retarded, learning disabled, behaviorally disordered (exluding students whose impairment is emotionally disturbed), orthopedically handicapped, other health impaired, or educationally handicapped/slow learner.

   b. Severe/profound class consisting of moderately, severely to profoundly impaired who are mentally retarded, multihandicapped, or deaf/blind.

2. The instruction is provided by a special education teacher with appropriate certification as specified in Bulletin 746.

3. The pupil/teacher ratios established in Appendix 1, Part B, A or B are used.

4. The generic class meets the other requirements of the categorical self-contained, resource, or itinerant class.

§932. Gifted is possession of demonstrated abilities that give evidence of high performance in academic and intellectual aptitudes.

§933. Handicapped child means an exceptional child whose only exceptionality is not gifted or talented.

§934. Handicapped infant is an exceptionally in which children from birth to three years of age are identified as having a serious handicapping condition which, without intervention, will become progressively more difficult for intervention at school age.

§935. Hard of hearing is a hearing loss, either permanent or fluctuating, ranging from mild to severe unaided, (pure tone average of 500, 1000, 2000, Hz, between 25 and 70 decibels ANSI, in the better ear) which does not significantly impede the learning of speech and language through normal channels.

§936. Hearing impaired is a hearing loss which adversely affects a child's educational performance. The term "hearing impaired" includes both deaf and hard-of-hearing children.

§937. Hospital/Homebound (setting) is an alternative setting for the provision of special education according to an IEP by a certified teacher in the student's home environment or in a hospital in which both of the following conditions exist: 1) the student must be enrolled in special education, and 2) the student is not able to be moved from the hospital or home environment as a result of physical illness, accident or the treatment thereof, or as a result of disciplinary action taken consistent with §459.

§938. Hospital or homebound is an exceptionality for a student enrolled in regular education who, as a result of physical illness, accident, or the treatment thereof, is not able to be moved from the hospital or home environment for the provision of regular educational services.

§939. Include means that the items named are not all of the possible items that are covered, whether like or unlike the one named.

§940. Interagency agreement means an operational statement between two or more parties or agencies that describes a course of action to which the agencies are committed. The statement is drawn up to be consistent with the mandatory provision of Part 800 of these Regulations.

§941. Interpreter services means the facilitation of communication within an instructional environment via an enhanced visual and/or tactile mode between and among hearing impaired and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

§942. Itinerant resource room program is a type of alternative setting for the provision of special education and related services for no less than two and one-half hours per week, not less frequently than twice a week, in which all of the following exist:

1. Special education and related services are provided at more than one approved preschool, elementary, or secondary school. One school must be designated as the homebase school for the teacher.

2. The pupil/teacher ratios established in Appendix I, Part B, are used.

3. Instruction is provided for not more than 12 exceptional students for any one hour of certified IEP time units.

4. Special education is provided by a special education teacher certified generically or in the area of exceptinality for which special education is provided.

§943. Learning disabled is severe and unique learning problems as a result of significant difficulties in the acquisition, organization, or expression of specific academic skills or concepts. These learning problems are typically manifested in school functioning as significantly poor performance in such areas as reading, writing, spelling, arithmetic reasoning or calculation, oral expression or comprehension, or the acquisition of basic concepts.

The term includes such conditions as attentional deficit, perceptual handicaps or process disorders, minimal brain dysfunction, dyslexia, developmental aphasia, or sensorimotor dysfunction, when consistent with these criteria.

The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicap; of mental retardation; of a behavior disorder; or of environmental, cultural, educational, or economic disadvantage.

§944. Least restrictive environment means the educational placement of an exceptional child in a manner consistent with the Least Restrictive Environment Rules in §448.

§945. Mentally retarded is significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

§946. Multihandicapped is concomitant impairments (such as mentally retarded-blind; mentally retarded-orthopedically impaired), the combination of which causes such severe educational problems that these

pupils cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

§947. Native language when used with reference to a person of limited English speaking ability, means the language normally used by that person, or in the case of a child, the language normally used by parents of the child.

§948. Noncategorical preschool handicapped is an exceptionality in which children ages 3 to 5, but not enrolled in a State approved kindergarten, are identified as having a handicapping condition which is described, according to functional and/or developmental levels, as mild/moderate or severe/profound.

COMMENT: Children who exhibit a severe sensorial impairment, severe physical impairment, or who are suspected of being autistic, severe language disordered, gifted or talented shall be identified categorically. Children who exhibit a suspected speech impairment (articulation, language, fluency, or voice) shall be determined eligible for services according to the Criteria for Eligibility for speech impaired as specified in Bulletin 1508. However, if eligible, these speech impaired children shall be classified as noncategorical preschool handicapped.

§949. Occupational therapy means:

1. Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation.

2. Improving ability to perform tasks for independent functioning when functions are impaired or lost.

3. Preventing, through early intervention, initial or further impairment or loss of function.

§950. Operational day means any day on which the Louisiana Department of Education is open for the conduct of public business. However, if the central office of the school system is officially closed and the Department is open, that day does not count in the calculation of the timelines for that particular school system as mandated in these Regulations.

§951. Orientation and mobility training means a program for students with a visual impairment for the purpose of using the senses in determining position in relationship to surroundings and moving from a fixed position to a desired position within the environment.

§952. Orthopedically handicapped is a severe orthopedic handicap which adversely affects a child's educational performance. The term includes handicaps caused by congenital anomaly (e.g., clubfoot, absence of some member); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis); and handicaps from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

§953. Other health impaired is limited strength, vitality, or alertness, due to chronic or acute health problems including a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

§954. Paraprofessional is a person at least 18 years of age, who possesses a certificate of good health signed by a physician, possesses an appropriate permit, and who assists in the delivery of special educational services under the supervision of a special education teacher or other professional who has the responsibility for the delivery of services to exceptional children.

§955. Paraprofessional training unit is a setting that may be used for the self-help training (toilet training, dressing skills, grooming skills, feeding skills, and preacademic readiness activities) of severely and profoundly handicapped children or preschool children. A school-aged unit may be made up of no more than six paraprofessionals. A preschool unit may be made up of no more than four paraprofessionals. All units must be supervised directly by a certified special education teacher. Each paraprofessional must have a full quota of students (three) before an additional paraprofessional can be added to the unit. A paraprofessional training unit must be approved by the Office for the Department in accordance with operational standards established by the State Board.

§956. Parent means a natural parent; a legal guardian; a person acting as a parent of a child (this includes relatives of the child or private individuals allowed to act with the explicit or tacit approval of the child's natural parent or guardian); or a surrogate parent who has been appointed in accordance with §507. The rights and responsibilities of a parent established by these Regulations shall be exercised directly by an exceptional child who attains the age of 18 years unless such child has been iterdicted or determined to be in continuing minority by a court order of the State of Louisiana.

§957. Parent counseling and training means assisting parents in understanding the special needs of their child and providing parents with information about child development.

§958. Parish supervisor means the supervisor of special education employed by every city/parish school system as required by §488 of these Regulations. In addition, it includes the superintendent of a State Board school and the superintendent of SSD#1.

§959. Partially seeing is possessing a central visual acuity no greater than 20/70 in the better eye with the best possible correction.

§960. Personally identifiable means that the data or information includes:

(a) the name of a student, the student's parent, or other family member;

(b) the address of the student;

(c) a personal identifier, such as the student's social security number or student number;

(d) a list of personal characteristics which would make the identity easily traceable; or

(e) other information which would make the student's identity easily traceable.

§961. Physical education means the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual or group games or sports. The term physical education includes regular physical education, modification in the regular physical education program to accommodate the LRE needs of exceptional students, and adapted physical education for handicapped students identified as being in need of such according to §910 above. Physical education other than adapted physical education shall be provided by a special education teacher, a regular education teacher, or a physical education teacher, consistent with the school system policy for providing physical education to nonexceptional students.

§962. Physical therapy is:

1. Evaluating handicapped students by performing and interpreting tests and measurements of neuromuscular, musculoskeletal, cardiovascular, respiratory, and sensorimotor functions.

2. Planning and implementing treatment strategies for students based on evaluation findings.

3. Maintaining the motor functions of a child to enable him to function in his educational environment.

4. Administering and supervising therapeutic management of handicapped students and providing inservice education to parents and educational personnel.

§963. Placed in an approved nonpublic school program means a direct educational placement in an alternative setting operated by an approved nonpublic school program; suggested placement by counseling of an exceptional child or parent of an exceptional child to an approved nonpublic school program; or an enrollment in an approved nonpublic school program which occurs after a failure by a school system, after a determination that the child is an exceptional child by the school system, to give parents full and effective notice of the obligation and willingness of the school system to provide the child with a free, appropriate public education.

§964. Preschool Intervention Settings

1. School Based Training. Intervention in the school based setting is a situation in which the preschool exceptional child (ages birth through five years) is served in a classroom for either a half-day program (minimum of two and one half hours per day) or in a full-day program (minimum of five hours per day). The classroom teacher must be certified in noncategorical preschool or in the area of exceptionality served if the class is categorical. The pupil/teacher ratio established in Appendix I, Part B, is used.

2. Parent/Child Training. Intervention via the parent or parent and child training is a situation in which the parent or the parent and child receive educational services from a certified teacher of noncategorical preschool or from a teacher certified in the area of exceptionality if the child is identified categorically. Services are provided through one of the following options:

   a. Intervention in the home for parent and child, minimum of one and one-half hours per week, or

   b. Intervention at a school or center for parents or parent and child, minimum of one and one-half hours per week.

§965. Psychiatrist means a physician who is licensed to practice medicine and who is certified by the American Board of Psychiatry or who has completed an approved residency in psychiatry and is eligible to apply for board certification.

§966. Psychological services means:

1. Administering psychological and educational tests and other assessment procedures.

2. Interpreting assessment results.

3. Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.

4. Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations.

5. Planning and managing a program of psychological services, including psychological counseling for children and parents.

§967. Pupil appraisal personnel means professional personnel who meet the certification requirements for school personnel for such positions and who are responsible for delivery of pupil appraisal services included in §410-436 in these Regulations.

§968. Reasonable, when used in regard to time, means a period not to exceed 30 to 45 operational days unless specifically indicated otherwise in these Regulations.

§969. Regular class with supplemental services is an alternative special education setting for eligible exceptional students in which instruction is provided by the regular classroom teacher and in which:

1. supplemental services, such as teacher consultation, interpreter or tutor services, or specialized or adaptive equipment, are provided in the regular classroom; and

2. the supplemental services, and any needed related services, are provided in accordance with an IEP/Placement document.

§970. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child to benefit

from special education. Related services include speech hearing/language services and audiological services, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, interpreter services, orientation and mobility training, and medical services for diagnostic or evaluative purposes. The term also includes school health services, social work services in schools, and parental counseling and training.

§971. A resource center for gifted or talented is a type of instructional setting, designed or located at one school, that provides instructional services to gifted or talented students from two or more schools and in which:

1. Special education is provided by an individual certified in accordance with Bulletin 746.

2. The pupil/teacher ratios established in Appendix I, Part B, are used.

3. Instructional time is not less than two and one-half hours per week.

§972. A resource room is a type of alternative setting for special education and related services designed or adapted as a location where exceptional children may receive all or a part of the special education required by their IEP, and in which all of the following exist:

1. The pupil/teacher ratios established in Appendix I, Part B, are used.

2. No child who is not an exceptional child is enrolled.

3. Instruction is provided for not more than 12 exceptional children for any one hour of certified IEP time units.

4. Special education is provided by a teacher certified generically or in the area of exceptionality for which special education is provided.

5. No child shall be enrolled for less than one-half hour nor more than three hours of certified IEP time units per day.

§973. School health services means services provided by a qualified school nurse or other qualified person.

§974. School system means:

1. City/parish school system.

2. SSD#1.

3. A State Board Special School.

§975. Self-contained departmentalized is a special education class which meets the definition of self-contained with the exclusion of the single teacher requirement. The total number of exceptional children for whom a teacher provides instruction is limited to five times the mid-point of the range for that exceptionality and is not to exceed the maximum for that exceptionality at any given period.

§976. A self-contained special education class is a type of alternative setting in which the same teacher provides special education instruction for an approved group (the size of which must be consistent with the pupil/-teacher ratio approved by the State Board for the type of exceptionality) and:

1. In which instruction is provided for each exceptional student for more than three hours per day when the balance of the school day is in regular class placement.

2. A child may be released during the school day to receive related services, adapted physical education, or speech therapy consistent with the child's IEP.

3. Special education is provided by a teacher certified generically or in the area of exceptionality served.

§977. Severe language disordered is a type of communication impairment resulting from any physical or psychological condition which seriously interferes with the development, formation, and expression of language and which adversely affects the educational performance of the student.

COMMENT: This category does not include students whose communication impairment is primarily due to mental retardation, autism, or a hearing impairment.

§978. Significant change in educational placement is defined as one which consists of moving from one alternative setting to another that is more restrictive and/or transfers of jurisdiction (referrals).

§979. Significant loss is a regression in a skill and a rate or reacquisition of the skill which, when compared with the initial rate of acquisition or regression and reacquisition rates of normal students, indicates that the attainment of the long range educational goals of a child will be impossible.

§980. Social and social work services means preparing a social or developmental history on an exceptional child; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to derive maximal benefit from his or her educational program.

§981. Special education shall be any program of instruction within the preschool, elementary, and secondary school structure of the State, specifically designed by providing for different learning styles of exceptional children. This instruction shall be in alternative educational settings (§448) which meet the standards of the State Board, are approved by the Department, and implemented according to an Individualized Education Program.

§982. Speech impaired is a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a child's educational performance.

§983. Speech hearing/language services means identification of children with speech or language disorders; diagnosis and appraisal of specific speech or language disorders; referral for medical or other professional attention necessary for the habilitation of speech or language disorders; provisions of speech and language services for the habilitation of communication or prevention of communication disorders; and counseling and guidance of parents, children, and teachers regarding speech and language disorders.

§984. Speech therapy program is a service delivery pattern in which exceptional children receive not less than one hour per week of certified IEP time of speech/-hearing/language intervention services when the speech disorder is evaluated according to Bulletin 1508.

§985. Talented is possession of demonstrated abilities that give evidence of high performance in visual and/or performing arts.

§986. Transportation is all travel necessary to implement each service written in the IEP of an exceptional child and includes:

1. Travel to and from school and between schools.

2. Travel in and around school buildings.

3. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

§987. Visually handicapped is a visual impairment which, even with correction, adversely affects a child's educational performance. The term visually handicapped includes both blind and partially seeing children.

§988. Vocational education means organized educational programs directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

§989. Voluntarily enrolled nonpublic school child means an exceptional child, or a child suspected of being an exceptional child, who is enrolled in an approved nonpublic school program at the choice of his or her parent(s) after the parent(s) have been provided full and effective notice by a school board of its obligation and willingness to provide a free, appropriate public education.

§990-999. Reserved.

PART A. STATE EQUALIZATION FUND MINIMUM FOUNDATION PROGRAM RULES FOR INCLUSION OF SPECIAL EDUCATION

1. Allowable Cost of Regular Education Personnel

   a. In administering the State Equalization Fund Minimum Foundation Program for Public Education, the Department shall allow the inclusion of an exceptional child in the population used to determine the number of regular classroom teachers pursuant to pupil/teacher ratios established by the Department if the exceptional child is receiving not less than one hour per day of instruction in the regular classroom as indicated on the IEP.

   b. Inclusion of an exceptional child in the regular classroom membership as described in A above shall not limit the ability of a city/parish school system or Special School District Number 1 to also include the same child in the population used to calculate the allowable costs of special education personnel providing special education services to the child.

2. Allowable Cost of Special Education Personnel

   a. In administering the State Equalization Minimum Foundation Program for Public Education, the Department, in accordance with Louisiana Teacher's Minimum Salary Schedule for teachers and therapists, salary schedules for pupil appraisal personnel, and per individual amounts for special education personnel such as teacher aides or bus attendants, shall only allow the inclusion in the cost program of a city/parish school system requesting funds under the program of:

      (1) The salary of a certified special education teacher, speech therapist, or teacher aide who is engaged exclusively in the teaching of exceptional children in eligible membership (as defined in subpart 3 of this Part) consistent with the bona fide multiple enrollment requirements of subpart 4 of this Part.

      (2) The salary of certified pupil appraisal personnel who are engaged exclusively in pupil appraisal activities pursuant to Part 400 of these Regulations.

      (3) The salary of a bus attendant.

b. In administering the State Equalization Fund Minimum Foundation Program for Public Education, the Department, in accordance with Louisiana Teacher's Minimum Salary Schedule for teachers and therapists, salary schedules for pupil appraisal personnel, and per individual amounts for special education personnel, such as teacher aides or bus attendants, shall allow the inclusion in the cost program developed for Special School District Number 1 of:

(1) The salary of a certified special education teacher, speech therapist, or teacher aide who is engaged exclusively in the teaching of exceptional children in an eligible membership (as defined by subpart 3 of this Part) consistent with the bona fide multiple enrollment requirements of subpart 4 of this Part.

(2) The salary of certified pupil appraisal personnel who are engaged in pupil appraisal activities pursuant to Part 400 of these Regulations.

c. Use of Pupil/Teacher Ratio

(1) The number of positions allotted and employed under A and B of this subpart shall be determined on the basis of pupil/teacher, pupil/teacher aide, and pupil/therapist ratios (Part B of the Appendix establishes such ratios). For pupil appraisal personnel the number of positions allotted and employed under A and B of this subpart shall be determined on the basis of the approved allotment schedules for assessment teachers and pupil appraisal personnel.

(2) In calculating the pupil enrollment for pupil/speech therapist ratios the weighted caseload approach set forth in Part B herein shall be used.

(3) When there are fewer than the minimal number of pupils per teacher, therapist, or aide specified by the ratios set forth in Part B of this Appendix, the State allotment for the approved teacher, therapist, or aide shall be reduced one-tenth for each pupil less than the specified minimum. The amount due after the reduced State allotment shall be paid to the teacher, therapist, or aide from the school system's funds, if the personnel are employed. This reduction shall not be the cause or excuse for not providing a free, appropriate public education.

d. The total number of children used by city/parish school systems for purposes of calculating the number of salaries to be claimed in Subsection C of this subpart shall not exceed 17 percent of the total school aged (e.g., 3 through 21 years) population of the city/parish school system as determined by the Department.

3. Eligible Membership

Subject to the limitation of subpart 4 of this Part, an exceptional child enrolled in any of the following programs may be counted within each program as part of the pupil population used under 2.c. of this Part to calculate the allowable number of certified special education teachers, therapists, and teacher aides allotted and employed under the program.

a. A self-contained special education class as defined in §976 of these Regulations.

b. A resource room as defined in §972 of these Regulations.

c. An itinerant resource room program as defined in §942 of these Regulations.

d. A speech therapy program as defined in §984 of these Regulations.

e. An approved program of hospital or homebound instruction as defined in §938 of these Regulations.

f. An approved program of adapted physical education instruction as defined in §911 of these Regulations.

4. Bona Fide Multiple Enrollments

a. An exceptional child must be enrolled in a school program that consists of a regular classroom enrollment and eligible special education membership(s) as defined in subpart 3 and not prohibited by b below or in a combination of eligible special education membership(s) as defined in subpart 3 and not prohibited in b below.

b. For the purposes of subparts 2 and 3 of this Part, exceptional children may not be included concurrently in the pupil population of any combination listed below:

(1) A self-contained special education class of either type and a resource room.

(2) A self-contained special education class of either type and an itinerant special education program.

(3) A resource room program and an itinerant special education program.

c. Children whose only exceptionality is speech impaired shall be enrolled in speech therapy and regular classrooms and are excluded from all other special education memberships except hospital/homebound or adapted physical education, if eligible.

5. Use of Special Education Personnel

a. The certified special education teacher, speech therapist, and teacher's aide whose salaries are included in the allowable costs under subpart 2 of this Part shall be used to provide services only to those exceptional children needing special education and related services for whose benefit the State allotment was made.

b. The certified pupil appraisal personnel whose salaries are included in the allowable cost under subpart 2 of this Part shall be used only for the purpose of providing pupil appraisal services provided in accordance with Part 400 of these Regulations.

6. Certification Requirements

a. Staff or school systems who provide special education and related services to exceptional children must currently meet all applicable Louisiana Standards for State Certification of School Personnel (Bulletin 746).

b. Teacher aides meeting qualifications shall be assigned only to special teachers or regular education teachers providing classroom services to exceptional children according to the IEPs of the children.

7. Travel and Preparation Time

a. Each teacher providing instruction in an itinerant special education program shall be afforded adequate travel time and one instructional period per day for

preparation and consultation with the child's regular teacher and other applicable school personnel.

b. Each teacher providing instruction in a resource room shall be afforded one instructional period per day for preparation and consultation with the child's regular teacher and other applicable school personnel.

PART B. PUPIL/TEACHER, PUPIL/SPEECH THERAPIST, AND TEACHER/TEACHER AIDE ALLOTMENTS AND RATIOS UNDER THE STATE EQUALIZATION FUND MINIMUM FOUNDATION PROGRAM FOR PUBLIC EDUCATION

I. Numbers of pupils enrolled in an eligible membership which justify the inclusion of the salary of a teacher providing instructional services.

A. Self-contained classroom

		** Para Units	* Pre-School	Elem.	Sec.
1.	Autistic Pupils		2-4	2-4	2-4
2.	Behavioral Disorders			4-9	4-9
3.	Blind		4-7	4-9	4-9
4.	Deaf		4-7	4-9	4-9
5.	Deaf-Blind	**	2-4	2-4	2-4
6.	Educationally Handicapped/ Slow Learner Pupils			12-25	12-25
7.	Emotionally Disturbed Pupils			4-7	4-7
8.	Gifted			12-25	12-27
	a. Full day		10-19		
	b. Half day		12-23		
9.	Hard-of-Hearing	**	6-11	8-15	8-17
10.	Learning Disabled Pupils			7-13	8-15
11.	Mentally Retarded Pupils				
	a. Mild			8-17	8-17
	b. Moderate			6-11	8-17
	c. Severe	**		4-9	4-9
	d. Profound	**		4-9	4-9
12.	Mild/Moderate (Generic)			7-16	7-16
13.	Multi-Handicapped	**	4-7	4-9	4-9
14.	Noncategorical Preschool	**			
	a. Mild/Moderate Functioning				
	1. Full day		6-11		
	2. Half day		8-16		
	b. Severe/Profound Functioning				
	1. Full day		4-7		
	2. Half day		8-14		
15.	Other Health Impaired			8-17	8-17
16.	Orthopedically Handicapped	**	4-7	6-11	7-13
17.	Partially Sighted	**	6-11	8-15	8-17
18.	Severe Language Disordered		4-7	4-9	4-9
19.	Severe/Profound (Generic)	**		4-9	4-9
20.	Talented			12-25	12-27

*Half-day Categorical Preschool Class: The pupil/teacher ratio for all half-day categorical preschool classes, excluding gifted, is 8-16.

**Paraprofessional Training Units

Preschool-Aged Children: One teacher and two paraprofessionals for the initial six preschool children, provided that after the initial six there shall be one additional paraprofessional allotted for any additional group of three not to exceed two additional groups of such children (maximum of four paraprofessionals per unit).

School-Aged Children: One teacher and two paraprofessionals for the initial six severely or profoundly handicapped children, provided that after the initial six there shall be one additional paraprofessional allotted for any additional group of three, not to exceed four additional groups of such children (maximum of six paraprofessionals per unit).

B. Resource Room (Generic or Categorical) and Itinerant Instruction Programs (per teacher)

1. Pupils with these impairments (Deaf, Emotionally Disturbed, Hard-of-Hearing, Blind, Partially Sighted, and Deaf-Blind)	5-10
2. All other handicapped pupils	12-27
3. Gifted or talented pupils	12-30

Comment: Because of the travel requirements of the program, this range may be reduced by the school system to 10-19 when instruction is provided to "all other handicapped students" and "gifted or talented pupils" in at least two different schools.

C. Combination Self-contained and Resource Classrooms

1. Mild/Moderate (Generic)	8-20
2. Hearing Impaired (Deaf and Hard of Hearing)	4-12
3. Visually Impaired (Blind and Partially Sighted)	4-12
4. Severe Language Disordered	4-12

D. Gifted or Talented Resource Center	24-55
E. Hospital/Homebound Instruction (per teacher)	5-10

F. Preschool Intervention Settings (Parent/Child Training)

1. Intervention in the Home	5-15
2. Intervention in a School or Center	10-19

G. Adapted Physical Education Instruction
(per teacher)

1. Severe motor deficits 10-30
2. Mild/moderate motor deficits 20-60
3. In cases of mixed grouping of 1 and 2 above, the level of the majority of the students shall be used for calculating the caseload.

II. Teacher Aides

A. The salary of one teacher aide may be included for each teacher justified under I-A above.

B. The salary of one teacher aide may be included for each teacher justified under I-C above, provided there is a minimum of eight students receiving self-contained services in the mild/moderate combination class or a minimum of four students receiving self-contained services in the hearing impaired, visually impaired, or severe language disordered combination class.

III. Speech therapists shall be allotted to school systems at the rate of one for each 30 (or major fraction thereof) students receiving speech therapy.

In determining the number of pupils that justify the inclusion of the salary of a speech therapist in the State Equalization Fund Minimum Foundation Program for Public Education, the criteria specified in Bulletin 1508 shall be used.

Each student shall receive speech therapy as specified in §984.

Each speech therapist shall be assigned a minimum of one student in speech therapy and shall not be assigned more than 79 points.

Each hour per week of pupil appraisal assessment services and/or supervision of speech therapists who hold restricted license shall equal one point for the purpose of determining the caseload. Assignment of these activities shall be made by the parish supervisor.

The caseload shall be determined according to the following:

Service Type	Number of points Determining Caseload
Each hour of assessment	1
Each hour of supervision	1
Each student receiving speech therapy	1